

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1652 of 2008

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1. Rajendra Mahto Son of late Bengali Mahto Resident of Village- Binda,
Police Station- Mushari, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director Consolidation, Bihar, Patna.
3. The Joint Director Consolidation, Muzaffarpur.
4. The Deputy Director of Consolidation, Muzaffarpur.
5. The Consolidation Officer, Mushahari, Police Station- Mushahari,
District- Muzaffarpur.

---Respondents 1st set

6. (i) Most. Prema Devi w/o Late Tilak Prasad Sharma

6(ii) Bharath Prasad Sharma

6(iii) Pankaj Pd. Sharma

6(iv) Rajesh Pd. Sharma

6(ii) to 6(iv) are s/o Late Tilak Prasad Sharma

6(v) Munni Devi

6(vi) Nutan Devi

6(vii) Miki Kumari

6(v) to 6(vii) are D/o Late Bindeshwar Mahto and w/o Lali Mahto

7. Sumitra Devi Daughter of late Bindeshwar Mahto and W/o Lali Mahto
R/o Village- Sarfuddinpur, P.S. Sarfuddinpur, P.S. Bocha, District-
Muzaffarpur.

8. Chandreshwar Mahto Son of late Kusheshwar Mahto

9. Shail Devi Wife of Chandreshwar Mahto Respondent No. 6 to 9 resident
of Village- Binda, Police Station- Mushahari, District- Muzaffarpur.

.... Respondents 2nd set

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Appearance :

For the Petitioner/s : Mr. Suresh Chandra Pd.Sinha
Mr. Madhukar Pandey

For the Respondent/s : Mr. Ratan Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

12 28-11-2017

Heard Mr. Ramesh Kumar Choudhary, learned
counsel for the petitioner, Mr. Gyan Prakash Ojha, G.A.7, learned



counsel for the State, Mr. Ratan Kumar Sinha, learned counsel for the respondent No.6 and Mr. Pradhan Murli Manohar Prasad for the respondent Nos.7 to 9.

The petitioner filed this writ petition for the following reliefs:

- (i) To direct the respondents 1st set to produce the final order dated 23.02.2007 passed in Revision Case No.3058 of 1987 by Joint Director, Consolidation, Muzaffarpur.
- (ii) After production of the aforesaid order, the same be quashed.
- (iii) Any other relief which the petitioner is entitled be given.

The brief facts which is relevant for the disposal of this writ petition is that one Bindeshwar Mahto and his brother, Chandreshwar Mahto, his brother's wife, Shail Devi filed CWJC No.533 of 1986. Respondent No.4 in the aforesaid writ petition was one Bangali Mahto and respondent No.5 was Tilak Prasad Sharma, who filed CWJC No.5116 of 1985. In CWJC No.5116 of 1985, besides Bindeshwar Mahto, Chandreshwar Mahto, Bangali Mahto was respondent No.4. The petitioners had filed the aforesaid writ petition against the order of the consolidation officer, appellate authority and revisional authority and alleged



that respondent No.4 impersonated and fraudulently got that order. Vide order dated 15.11.1996, while remitting the writ petitions, this court directed the revisional authority to hear the petitioners and the respondents and pass order. CWJC No.533 of 1986 and CWJC No.5116 of 1985 were ordered to be placed after receipt of the order passed by the Joint Director, Consolidation. Joint Director, Consolidation passed order on 23.02.2007 and thereafter upon receipt of the order passed by the Joint Director in revisional jurisdiction, CWJC No.533 of 1986 was heard along with CWJC No.5116 of 1985 and allowed the aforesaid two writ petitions by setting aside Annexure 1, 2 and 3 passed by the consolidation officer, appellate authority and revisional authority in view of the order passed by the revisional authority on 23.02.2007. But again the petitioner filed the present writ petition for a direction to the Director, Consolidation to produce the order dated 23.02.2007 and also prays for setting aside the aforesaid order. The order dated 23.02.2007 was the order passed by the Joint Director in accordance with the direction passed by this court on 15.11.1996 after hearing both sides on the point of obtaining order after impersonation. This order is not passed in revision of a case.

Therefore, I find no merit in this writ petition on the simple ground that CWJC No.533 of 1986 and CWJC No.5116 of



1985 were kept pending and Director/Joint Director, Consolidation was directed to pass order in accordance with law in view of the directions given by this Court on 15.11.1996 in CWJC No.533 of 1986 and CWJC No.5116 of 1985. In pursuance of the aforesaid order, the Director/Joint Director, Consolidation passed the order on 23.02.2007 and sent the same to this Court. Thereafter, both the writ petitions were placed for admission and after hearing the parties, both the writ petitions were allowed vide order dated 12.11.2007.

If the petitioner, the son of Bangali Mahto, is at all aggrieved by the order passed in CWJC No.533/1986 & CWJC No.5116/85 instead of filing of present writ petition, he should have filed L.P.A. against the order aforesaid. Once this court has already decided the case on merit, it is not appropriate for this Court to reopen the issue again.

Accordingly, this writ petition is dismissed.

(Prabhat Kumar Jha, J)

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