

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1447 of 2015

In

Civil Writ Jurisdiction Case No.11080 of 2000

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1. Sheo Narayan Bind @ Sheo Pujan Bind Son of Late Ram Dutt Bind
 2. Smt. Dasmati Devi daughter of Late Jhimal Bind both resident of Village - Sariawa, P.S. - Durgawati, District - Kaimur (Bhabua).
... .. Appellant/s

Versus

1. The State of Bihar.
2. The Director Consolidation, Bihar, Patna, having its office at Budh Marg, Patna.
3. The Assistant Director Consolidation, Rohtas at Sasaram.
4. The Consolidation Officer, Durgawati Kaimur (Bhabua).
5. Ram Dayal Bind son of Late Ramhari Bind
6. Ram Daras Bind son of Late Ramhari Bind
7. Anaras Bind son of Late Ramhari Bind All residents of Village - Sariawa, P.S. - Durgawati, District - Kaimur (Bhabua).
... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar Agrawal
For the Respondent/s : Mr. Anil Kumar Verma, AC to AAG 9

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 24-08-2017

Heard counsel for the appellants and counsel for the State.

Perused the order dated 09.07.2015, which is under challenge in the Letters Patent Appeal.

The learned Single Judge has committed no error by observing that since the Director, Consolidation does not have authority to decide right, title and interest of the parties but to only



order consolidation on the basis of entries prima facie existing and demonstrated before the said authority.

In the background of the facts, which have been noted as to how a decree, may be ex parte, was in favour of the respondents and that order was not interfered with even in appeal or revision as such there was little play of joint available to the consolidation authorities.

The best course of action available to the appellants has already been made open in terms of the observation of the learned Single Judge in concluding paragraph, which is paragraph 5 of the impugned order.

The appellants will have to take recourse to a fresh suit for declaration of right, title and interest in view of the fact that the consolidation proceedings have come to an end in the area as is the stand of the counsel for the appellants.

Appeal otherwise has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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