

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8871 of 1994

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1(a) Sheo Bachan Singh
1(b) Bharat Singh, both sons of Bhikhari Singh
1(c) Babani Devi D/o Late Bhikhari Singh W/o Guru Charan Singh, r/o vill-
Khirodin, P.S. Karohat, Dist.- Rohtas
1(d) Dhan Mukha Devi D/o Late Bhikhari Singh W/o Sri Lallan Singh, r/o vill-
Jamun, P.S. Dwat, Dist.- Rohtas

.... Petitioners

Versus

1. The State of Bihar
2. The Director, Consolidation, Bhumi Vikash Bhawan, Budha Marg, Patna
3. The Joint Director, Consolidation, Bhumi Vikash Bhawan, Budha Marg, Patna
4. The Deputy Director, Consolidation, Rohtas, Sasaram
5. The Consolidation Officer, Bikramganj, P.S. and Anchal-Bikramganj, Rohtas
6. Buchun Singh
7. Lallan Singh, son of Late Banjhu Singh, resident of village-Isharpura, P.S.
Bikramganj, Dist.- Rohtas

.... Respondents

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Appearance :

For the Petitioner/s : Mr. SUDAMA SINGH with
Mr. Surendra Kumar Mishra, Advocates.
For the Respondent/s : Mr. (GP2)
Mr. Choubey Jawahar
Mr. Arvind Kumar Tripathy
Mr. (Ga2)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date: 08-03-2018

Heard both sides.

Petitioners have filed this writ petition against the order dated 19.08.1994, passed in Consolidation Revision Case No.259 of 1993.

The relevant facts of the case is that the lands of Khata No.53, RS Plot No.164, area 4 decimal was recorded in the name of Bhikhari Singh during the revisional survey. The petitioners filed objection petition before the Consolidation Officer and the Consolidation Officer found that 1 katha land of Khata No.53, Plot



No. 164 was settled by registered deed of settlement in favour of Banjhu Ahir and 1 and ½ katha land of same khata and plot was settled in the joint name of Bhanjhu Ahir and Navjadik Ahir. During the revisional survey, the name of only Navjadik Ahir was recorded with regard to 1 and ½ katha land of plot no.164, Khata no.53, area 4 decimal and name of Gajadhar Dusadh was recorded as Sikmidar. Admittedly, Bhikhari Singh, the petitioner now deceased and in his place his legal heirs have been substituted are the descendents of Navjadik Ahir. The respondents Buchun Singh and Lallan Singh are the descendents of Banjhu Singh @ Banjhu Ahir. The respondents filed petition for correction of the name of Bhikhari Singh, wrongly recorded in the revisional proceeding. The Consolidation Officer found that 1 and ½ kathas land of plot no.164, Khata no.53 was settled by registered deed of settlement in favour of Banjhu Singh @ Banjhu Ahir and Navjadik Ahir in the year 1944. 1 katha land of same plot was exclusively settled by registered deed of settlement in favour of Banjhu Singh @ Banjhu Ahir. Accordingly, the Consolidation Officer, found that 1 and ½ katha land of plot no.164, khata no.53 should have been recorded in the name of Banjhu Singh, Navjadik Ahir and their legal heirs as the same land was settled in favour of both the persons. The petitioners being aggrieved by the order of Consolidation Officer filed Consolidation Appeal No.519/85-86 before the Deputy Director, Consolidation but Deputy Director,



Consolidation set aside the order of the Consolidation Officer on the ground that respondent did not produce any papers which would show that the lands of plot no.164, khata no.53, area 1 and ½ katha decimal was recorded in the name of their ancestors. The respondent preferred revision against the order of Deputy Director, Consolidation and Joint Director, Consolidation vide order dated 19.08.1994 set aside the order of the Deputy Director, passed in Consolidation Appeal No.519/1985-86.

Learned counsel for the petitioners submits that before the revisional authority, who recorded the names of the petitioners in the record of rights during the revisional survey operation, the respondents did not raise any objection either under Section 103 or under Section 106 of the B.T. Act. It is submitted that during the revisional survey, the petition of the respondents for correction of revisional records is barred by limitation and the same should not have been entertained under Section 10(1) of the Consolidation Act.

Of course, there is presumption of correctness of revisional survey record of rights prepared during revisional survey but the same is not conclusive prove and a party could rebut presumption of its correctness in the record of rights by evidence. Accordingly, the petitioner filed petition during the consolidation operation that 1 katha land of plot no.164, khata no.53 was settled in the name of Banjhu Ahir by a registered deed of settlement in the year 1944 and at the



same time 1 and ½ katha land of Khata no.53, plot no.164 was settled in the joint name of Banjhu Singh @ Banjhu Ahir and Navjadik Ahir but during revisional survey, the revisional authority only recorded the name of Bhikhari Singh, the petitioner, son of Navjadik Ahir and did not mention about the name of Banjhu Singh and his legal heirs, the respondents. On such fact, the Consolidation Officer found that the entry made during revisional survey in the record of rights was wrongly made only in the name of Navjadik Ahir or his legal heirs Bhikhari Singh and ordered for corrections. The Joint Director, Consolidation, on the basis of aforesaid records, set aside the order of the appellate authority and confirmed the order of consolidation.

Having considered the facts, I find no illegality in the order of the Joint Director, Consolidation, as the same is based on the entry made in the cadastral survey, which was recorded on the basis of registered deed of settlement, made in favour of Banjhu Singh @ Banjhu Ahir and Navjadik Ahir.

Accordingly, I do not find any merit in the writ petition. The same is dismissed.

(Prabhat Kumar Jha, J.)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2018
Transmission Date	NA

