

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4012 of 1996

Mostt. Tara Devi & Ors.

.... Petitioner/s

Versus

Joint Director of Consolidation, Muzaaffarpur & Ors.

.... Respondent/s

with

Civil Writ Jurisdiction Case No.4011 of 1996

Mostt. Tara Devi & Ors.

.... Petitioner/s

Versus

Joint Director of Consolidation, Muzaaffarpur & Ors.

.... Respondent/s

Appearance :

(In CWJC No.4012 of 1996)

For the Petitioner/s : Mr. Naresh Chandra Verma
Mr. Arun Kumar Lal
Mr. Ram Kumar Singh

For the Respondent/s : Mr. (Gp2)

(In CWJC No.4011 of 1996)

For the Petitioner/s : Mr. Naresh Chandra Verma
Mr. Arun Kumar All
Mr. Ram Kumar Singh
Mr. Sunil Kumar Sinha

For the Respondent/s : Mr. (Gp2)

Mr. Niraj Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

12 12-04-2018

Heard learned counsel for the petitioners.

The petitioner Santoshi Sah(now deceased) duly substituted by his wife has filed this writ petition to quash the order dated 30.01.1996 passed in Revision Case No.32 of 1995/33 of 1995 by which the Joint Director, Consolidation directed to



enter the name of respondent Nos.4 and 5 in the record of rights on the basis of sale deed executed by Daroga Sah in favour of Motilal Sah, father of respondent Nos.4 and 5 in the year 1953.

The learned counsel for the petitioner submits that Budhu Sah had three sons namely Banshi Sah, Munshi Sah and Daroga Sah. Daroga Sah got second marriage and got one son namely Santoshi Sah but the second wife of Daroga Sah had come with a son namely Motilal Sah from her first husband. During the revisional survey the name of Motilal Sah was also recorded in the record of rights with regard to Khata No.53. The petitioner filed petition for correction in the name of record of rights as Motilal Sah has got no right to inherit the property of Daroga Sah. Accordingly Dy. Director, Consolidation vide order dated 26.10.1994 set aside the entries made in the record of rights prepared during the course of consolidation proceeding and ordered to expunge the name of respondent Nos.4 and 5 from the khatian. The petitioner filed revision and claimed that admittedly Motilal was dagarua of second wife of Daroga Sah. Daroga Sah got one son namely Santoshi Sah from his second wife but Daroga Sah executed a sale deed in the year 1953 in favour of Motilal Sah with regard to Plot Nos.4675 and 4676(CSP No.3093) and Plot Nos.4630, 4631(CSP No.2950 and 2957). It is further submitted



that respondent Nos.4 and 5 did not produce any sale deed during the course of hearing but later on filed the photocopy of the sale deed allegedly executed by Daroga Sah in favour of Motilal Sah in the year 1953 on the basis of which the Joint Director, Consolidation ordered to enter the name of respondent Nos.4 and 5 in the record of rights. It is further submitted that respondent Nos.4 and 5 claimed the land by virtue of sale deed executed by Motilal Sah but no mutation was done in their favour. Even rent receipt was not ever issued. The sale deed was forged and fabricated, therefore, the order of the Joint Director, Consolidation is illegal.

Having considered the submission of the learned counsel for the petitioner and perusal of the records, I find that respondent Nos.4 and 5 also admitted that they are the sons of Motilal Sah. Daroga Sah got only one son namely Santoshi Sah from his second wife. Motilal Sah was not born with Daroga Sah but Daroga Sah in order to avoid any future complication executed a sale deed in favour of Motilal Sah with regard to some piece of land. Consolidation authority has entered the names of respondents in records of consolidation on the basis of entries made in record of rights.

Joint Director, Consolidation has rightly ordered to get



the names of respondent Nos.4 and 5 entered in record of rights with regard to the lands mentioned in the sale deed. Accordingly, I do not find any merit in these petitions and the same are dismissed.

However, if so advised, the petitioners may take recourse of proper remedy to file suit before the Civil Court having jurisdiction for redressal of their grievance.

(Prabhat Kumar Jha, J)

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