

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1834 of 1996

- =====
1. (a) Gopal Singh
 2. (a) Ram Kumar Singh
 3. (b) Amarnath Singh, all resident of village Bihjadi, P.S. Desari, Dist.-
Vaishali.

.... Petitioners

Versus

1. State of Bihar
2. Director of Consolidation, Bihar, Patna
6. (a) Braj Kishore Singh
6. (b) Ram Nath Singh
6. (c) Birendra Singh
6. (d) Surendra Singh

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. A.K.Singh Tarun
For the Respondent/s : Mr. (Gp2)
Mr. Manindra Kumar

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

11 12-04-2018 Heard both sides.

The petitioners have filed this writ petition for setting aside the order dated 20.09.1995 passed in Consolidation Revision No.467 of 1991 by Joint Director, Consolidation, Muzaffarpur (Annexure-3), confirming the order passed by Assistant Consolidation Officer on 13.08.1987 in Objection Case No.687 of 1976.

Jugeshwar Singh, the respondent no.6, now deceased and substituted by his legal heirs four sons filed petition for separation of the khatian of Khata No.79 and 80, according to



their rights. The O.Ps. who are petitioners here entered into the compromise and on the basis of the compromise, the Assistant Consolidation Officer ordered to make entry of the names with regard to the lands of Khata No.79 and 80. The petitioners filed revision petition before the Joint Director, Consolidation, Muzaffarpur vide Consolidation Case No.467 of 1991 and Joint Director, Consolidation, also found that on the basis of compromise, Khatian entries were made with regard to lands of Khata No.79 and 80.

Learned counsel for the petitioners submits that the petitioners did not join the compromise petition and the order was fraudulently obtained by putting signature of the petitioners.

This court in the writ jurisdiction cannot look into the facts that the compromise was obtained by fraud. The respondent no.6, now deceased, simply filed petition that Niranjan Singh got two sons namely Banshi Singh and Lalu Singh. Banshi Singh got four sons and Lalu Singh got one son namely Jugeshwar Singh, the respondent no.6. The sons of Banshi Singh on the basis of their shares, sold the land in favour of the respondent no.6 and filed petition to get his name entered with regard to lands of his share. Both the parties entered into compromise and on the basis of which entries were made.



Therefore, I do not find any illegality in the order dated 20.09.1995, passed by the Joint Director, Consolidation, Muzaffarpur.

Accordingly, this writ petition is dismissed with liberty to the petitioners to take recourse for proper remedy before appropriate forum, Civil Court having competent jurisdiction to decide the title.

(Prabhat Kumar Jha, J)

Amit/-

U			
---	--	--	--

