

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10810 of 1994

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1. Dhanwanti Kuer W/o deceased
 2. Ram Ashis Singh
 3. Vijay Singh
 4. Lakshmi Singh, all residents of village Suhawal, P.S. Chainpur, Dist.-Kaimur at Bhabua

.... Petitioners

Versus

1. The State of Bihar
2. The Research Officer, Directorate of Consolidation, Bihar, Patna
3. The Deputy Director of Consolidation, Rohtas
4. The Consolidation Officer, Chainpur, Rohtas
5. Mukh Ram Koeri son of Lochan Koeri
6. Bajrangi Koeri, son of Lochan Koeri

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arabind Nath Pandey, Advocate.
For the Respondent/s : Mr. Mahesh Prasad, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date: 08-03-2018

Heard both sides.

The petitioners have filed this writ petition against the order dated 14.09.1994, passed by the Research Officer, Directorate of Consolidation, Bihar, Patna, in Consolidation Revision Case No.341 of 1993.

Learned counsel for the petitioners assailed the impugned order on the sole ground that the final order was passed on 14.07.1994, by which, the Research Officer set aside the order of Deputy Director, Consolidation, contained in Annexure-3 but the Research Officer did not condone the delay in filing the revision.



Learned counsel for the petitioners submits that from perusal of the order dated 18.05.1994, it would appear that learned counsel for the O.Ps was present. The petitioner was directed to serve a copy of the revision petition to O.Ps with a copy of Limitation petition and the case was adjourned to 02.06.1994. On 02.06.1994 the O.Ps did not appear. The Presiding Officer ordered that the petitioner had already made his argument earlier and the case was adjourned to 03.06.1994. On 03.06.1994 learned counsel for the O.Ps was present and on his request, he was directed to file documents by 25.06.1994 and the case was fixed for orders. Admittedly, the respondents Bajrangi Koeri and Mukh Ram Koeri filed Consolidation Revision before the Director, Consolidation, after the period of limitation. A petition under Section 5 of the Limitation Act was also filed along with Consolidation Revision petition for condoning the delay but it is submitted that without condoning the delay, the revision was allowed.

On the contrary, Mr. Mahesh Prasad, learned Senior counsel for the respondents submitted that the Research Officer considered the petition for condonation of delay and he decided the case on merit.

Considering the submissions made on behalf of both sides and on perusal of the record as well as order sheet of Court of Director, Consolidation (Annexure-5), it appears that on 18.03.1994,



the petitioners filed petition for condonation of delay but no hearing was made on the condonation of delay. O.Ps. although appeared on 18.05.1994 and the Presiding Officer directed the revisionist to serve a copy of Revision petition along with Limitation petition but even thereafter on the next date, or thereafter on any date fixed, on the petition for limitation parties were not heard and limitation was not condoned. The Research Officer passed the order impugned without condoning the limitation and on this ground alone the order impugned is liable to be set aside.

Having considered the facts stated above, I find that the order dated 14.07.1994 as contained in Annexure-4 is illegal and is fit to be set aside. Accordingly, the writ petition is allowed and the order dated 14.07.1994 passed in Revision Case No.341 of 1993 is set aside.

The matter is remitted to the Director, Consolidation, to hear both sides on the Limitation petition as well as on merit of the case and pass order in accordance with law.

(Prabhat Kumar Jha, J)

Amit/-

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

