

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10191 of 1992

1. Jwala Prasad Singh
2. Janardan Prasad Singh
3 (1) Dharm Nath Rai
4. Banke Kuer

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Collector, Consolidation, Siwan
3. The Consolidation Officer, Siwan
4. Lalmauti Devi
5. Ramashis Rai
6. Bansi Rai
7. Brij Kishore Rai
8. Nand Kishore Rai
9. Raj Kishore Rai
10. Rajendra Singh
11. Jojendra Singh

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kishore Verma
For the Respondent/s : Mr. (SC7)
for the Pvt. Respondents : Mr. S. S. Dwivedi, Sr. advocate
Mr. Parth Gaurav, advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

24 27-03-2018 Heard Sri Jitendra Kishore Verma, the learned counsel for the petitioners, and Sri Parth Gaurav, the learned counsel for the private respondents.

The petitioners seek quashing of the order dated 23.03.1991 (Annexure-1) and also to quash the order dated 08.04.1992 (Annexure-2) passed by the Consolidation Officer reviewing his own order dated 21.08.1979 (Annexure-4).

The learned counsel for the petitioners submits that on the



petition of the petitioners the Consolidation Officer passed order on 21.08.1979 and directed to create records of rights of consolidation proceeding and enter the name of petitioners but the respondents after lapse of 12 years filed petition on 16.03.1991. On such, the Deputy Director, Consolidation vide his order dated 23.03.1991 directed the Consolidation Officer to hear both sides and pass order in accordance with law. The Consolidation Officer having armed with such illegal order of the Dy. Director, Consolidation re-heard the matter and reviewed his own order dated 21.08.1979 vide order dated 08.04.1992 (Annexure-2).

The Consolidation Officer has got no power to review his own order. Even the order of Dy Director, Consolidation, does not bestow any power on the Consolidation Officer to review his own order passed on 21.08.1979.

Mr. Parth Gaurav, the learned counsel for the private respondents, very fairly submitted that the Consolidation Officer under the statute has got no power to review his own order.

Having considered the submission of both sides, I find that the Consolidation Officer, even on being directed by the Dy Director, Consolidation, to hear both sides and pass order in accordance with law, is not vested with power to review but the



Consolidation Officer reviewed his own order dated 21.08.1979 by order dated 08.04.1992. Thus, I find that the order passed by Consolidation Officer is without jurisdiction and not sustainable. Accordingly, the order dated 23.03.1991 (Annexure-1) and the order dated 08.04.1992 (Annexure-2) are set aside.

This writ petition is, accordingly, allowed.

The respondents, if so advised, may file suit for redressal of their grievance.

(Prabhat Kumar Jha, J)

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