

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12254 of 2016

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1. Raj Kumar Yadav Son of Late Tejan Yadav Resident of Village- Barheta,
P.S.- Bankey Bazar, Dist- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Joint Director, Consolidation, Gaya.
3. The Consolidation Officer, Bankey Bazaar, Gaya.
4. Chhedi Yadav
5. Jatu Yadav
6. Deva Yadav
7. Bishun Yadav All are sons of Late Jhari Yadav resident of Village-
Barahata, P.S.- Bankey Bazar, Dist- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad
For the Respondent/s : Mr. GP14- Manoj Kumar Ambastha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 03-07-2018 Heard learned counsel appearing on behalf of the

petitioner and the learned counsel for the State as well as learned

counsel appearing on behalf of respondent Nos.4 to 7.

The petitioner has filed this writ petition for quashing
the order dated 24.06.2016 passed by the Chairman, Bihar Land
Tribunal, Patna whereby Chairman dismissed the petition filed by
the petitioner for setting aside the order passed in Revision Case
No.64 of 2009 on 03.05.2010. The petitioner further seeks
quashing of order dated 03.05.2010 passed by Joint Director, Gaya
in Revision Case No.64 of 2009.



The learned counsel for the petitioner submits that the grandfather of the petitioner purchased the land on 15.05.1935 from one Bifan Gope through unregistered sale deed and after purchase the land in question, jamabandi was created in Jamindari Sarista in the name of Bihari Gope, the grandfather of the petitioner. The petitioner started paying rent. After vesting of State, the return was filed and jamabandi was also created in their favour. The petitioner filed petition during the consolidation operation for entering his name in the record of right and his name was recorded in the record of right but the respondent Nos.4 to 7 after 21 years of the order filed consolidation revision and the authority held that on account of undated unregistered sale deed the name of the petitioner was recorded in the record of right by the consolidation authority and accordingly set aside the aforesaid order vide order dated 03.05.2010. The learned counsel for the petitioner further submits that the order of the Joint Director, Consolidation as well as the order of the Chairman, B.L.T. is illegal.

The learned counsel for the respondent Nos.4 to 7 submits that the petitioners have already filed Title Suit No.4 of 2017 which is pending in the Court of Sub Judge I, Sherghati, Gaya for the same relief.



Admittedly, the land was recorded in the name of Bikram Gope in the cadastral survey. Bikram Gope died leaving behind his brother, Raudi Gope. Respondents are the descendants of Raudi Gope and claimed the land standing in the name of Bikram Gope by virtue of inheritance. The petitioner claims the land by virtue of unregistered sale deed and the subsequent records showing the land standing in the name of the petitioner. There appears that the dispute is with regard to title and, therefore, I think that such disputed question of title cannot be decided in a consolidation proceeding. The petitioner has already filed Title Suit No.4 of 2017 for declaration of title..

Therefore, I do not find any reason to interfere with the order of the learned Chairman, B.L.T.. Accordingly, this writ petition is dismissed. The order passed by B.L.T. as well as Joint Director, Consolidation shall have no bearing on the merit of the suit.

(Prabhat Kumar Jha, J)

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