

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15890 of 2016

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1. Mahendra Singh son of Late Bighu Singh
2. Sheo Pujan Singh son of Jhuri Singh
3. Ram Pravesh Singh
4. Ram Naresh Singh 3 & 4 Both Sons of Sardar Singh
5. Dilip Singh
6. Pradeep Singh 5 & 6 Both sons of Hardar Singh
7. Bashisth Singh son of Lal Bihari Singh All Resident of village-Jagariya,
P.S.-Chainpur, District-Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director of Consolidation, Bihar Patna
3. The District Magistrate, Kaimur, Bhabhua
4. The Deputy Director Rohtas, Sasaram
5. The Consolidation Officer, Chainpur District-Kaimur
6. Mangal Prasad Bind
7. Jhegal Prasad Bind 6 & 7 both sons of Late Lakhan Bind
8. Bahadur Bind
9. Ballu Bind 8 & 9 both sons of Late Kuar Bind
10. Ashok Bind son of Late Agau Bind
11. Jhangal Prasad Bind son of Ram Bachan Bind
12. Ramdhari Prasad Bind Son of Late Ram Charitar Bind All Resident of
Village-Bhagwanpur P.S.-Chainpur, District-Kaimur (Bhabhua)
13. Ramashankar Bind S/o Late Basudeo Bind Resident of Village-Sikara,
P.S. & P.O. Saitha (Jadupur), District-Kaimur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ambuj Nayan Choubey, advocate
For the State : Mr. Mukul Prasad, AC to GP 18
For the private respondents: Mr. Chakravory Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

8 24-09-2018 Mr. Chakravorty Singh, learned counsel for the

respondent No.6 also files power on behalf of respondent Nos. 7,

8, 10 and 13.

Heard both sides.



The petitioners have filed this writ petition for following relief (s):-

(I) For quashing the order dated 05.06.2013 passed by learned Director, Consolidation, Bihar, Patna in Consolidation Revision case No. 140/1996 whereby he set aside the order dated 19.01.1991 passed by Consolidation Officer, Chainpur in Case No. 267/80-81 and 70/75-76 as well as order dated 18.06.1996 passed by the Assistant Director, Consolidation, Rohtas passed in Appeal No. 976/1991-92.

(II) To uphold the order dated 19.01.1991 passed in Case No. 267/80-81 and 70/75-76 and order dated 18.06.1996 passed in Appeal case No. 976/1991-92 whereby the Assistant Director, Consolidation, Rohtas, Sasaram was confirmed the order dated 19.01.1991.

(III) To stay the operation of order contained in Annexure-3.

(IV) For any other relief (s) for which the petitioners are found entitled.

The learned counsel for the petitioners submits that respondents filed Consolidation Revision case No.140 of 1996 against the order of Consolidation Officer passed in Case No. 267/80-81 and 70/75-76 which was affirmed by Assistant Director, Consolidation vide his order dated 18.06.1996 passed in Appeal case No. 976/1991-92. The Consolidation Revision case No.140 of 1996 was admitted for hearing but the same was dismissed for default on 11.05.2007. Thereafter, the case was restored but without issuing any notice to the petitioners. The records of rights was prepared by the consolidation authority on the basis of judgement and decree passed by the civil court but the



Director, Consolidation without hearing the petitioners set aside the order of the Consolidation Officer as well as the appellate authority.

The learned counsel for the respondents could not be able to justify the order of Director, Consolidation who set aside the order of Consolidation Officer as well the order of Assistant Director without hearing the petitioners.

On this point alone that the Director, Consolidation without hearing the petitioners set aside the order of the Consolidation Officer as well as the order of appellate authority, the order of Director Consolidation passed in Consolidation Revision case No.140 of 1996 is set aside. The matter is remanded to the Director, Consolidation to hear both sides and pass order in accordance with law. The petitioners shall appear before the Director, Consolidation.

This writ petition is, accordingly, allowed.

(Prabhat Kumar Jha, J)

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