

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11608 of 1998

-
1. Ashok Singh@ Ashok Koiri Son of late Balrup Koiri Resident of Village Sohawal, P.S. Chainpur, District- Kaimur(Bhabhua).
 2. Harnam Singh@ Harjay Koiri Son of late Balrup Koiri Resident of Village Sohawal, P.S. Chainpur, District- Kaimur(Bhabhua).

... .. Petitioner/s

Versus

1. The Directorate Consolidation, Bihar at Patna.
2. The Deputy Director of Consolidation (Head Quarter), Patna.
3. The Deputy Director of Consolidation, Kaimur at Bhabhua.
4. The Consolidation Officer, Chainpur, Bhabhua (Kaimur).
5. Sheo Kumar Singh@ Maruwn Singh Son of Sobhnath Singh Residing in Village-Sohawal, At Present residing in Village- Muri, P.S. Chainpur, District- Rohtas
6. Mahadeo Singh Son of Late Mahabir Singh Resident of Village Sohawal, P.S. Chainpur, District- Rohtash.
7. Ramashis Singh Son of Mahadeo Singh Resident of Village Sohawal, P.S. Chainpur, District- Rohtash.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the State	:	Mr. Prabhakar Jha, GP 27 Mr. Mukund Mohan Jha, AC to GP 27

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 02-08-2019 Nearly 21 years ago, this writ application was filed and when the matter was taken up on 08.02.2000, as there was no representation on behalf of the petitioners, the application was dismissed. More than nine years after dismissal of the writ application, an application for restoration was filed, giving rise to MJC No. 4360 of 2009, which also stood dismissed for default. An application for restoration of the application for



restoration, being MJC No. 4360 of 2009 was filed in 2016, giving rise to in MJC No. 2763 of 2016, which was allowed by order dated 28.06.2017 and, thus, MJC No. 4360 of 2009 stood restored to the original file. MJC No. 4360 of 2009 was subsequently allowed by order dated 04.01.2019 and thus this writ application was ordered to be restored to its original file.

Yesterday also, when the matter was call out, there was no representation on behalf of the petitioners. There is no change in the situation today.

In view of above, instead of dismissing the writ application for default, I proceed to consider the petitioners' case on merit.

The petitioners are seeking quashing of an order passed by the Director, Consolidation, Bihar in Consolidation Revision No. 338 of 1978-79, whereby the revision application filed by/on behalf of the contesting private respondent has been allowed and the claim of the petitioners of being *Bataidar* has been turned down.

The dispute relates to C.S. Khata No.13, C.S. Plot Nos. 140, 225 and 205, corresponding to R.S.Khata No 65 and R.S. Plot Nos. 180, 308 and 317, admeasuring 1.41 acre.

It is the case of the petitioners that the said land was



their ancestral land, which they had obtained from the ex-landlord on *Vasuli* system and were recognized as raiyats and they had been in possession over the land in question, paying rent to the ex-landlord. It has been stated that during the revisional survey khatiyan, against the name of the father of the original petitioner no. 1, inadvertently, in the remark column, the name of respondent no.5 was recorded as *Abaidh Dakhalkar*, the petitioner and his brother were in actual possession.

The learned Director, Consolidation, after having taken into account all materials on record, available in the consolidation proceeding, has reached a definite conclusion that the petitioners could not establish their case that they were *Bataidar* of the ex-landlord.

I do not find any illegality in the finding so recorded by the Director, Consolidation, in the impugned order.

This writ application is accordingly dismissed.

HR/-

(Chakradhari Sharan Singh, J)

U			
---	--	--	--

