

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14273 of 2006

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Ram Wakil Singh @ Ram Wakil Ma Son of late Rup Narain Mahto Resident of Village- Itarhiya, Police Station- Karakat, District- Rohtas..

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director of Consolidation, Bihar, Patna.
3. The Joint Director of Consolidation, Bihar, Patna.
4. The Deputy Director of Consolidation , Rohtas at Sasaram.
5. The Assistant Director of Consolidation Rohtas at Sasaram.
6. The Consolidation Officer, Karakat, Gorari, District- Rohtas.
7. Nandlal Singh Son of late Triveni Singh Resident of Village Itadhiya, P.O. Itadhiya, P.S. Karakat(Gorari), District- Rohtas.
8. Dhenukdhari Singh
9. Haricharan Singh All 7 to 10 are sons of late Jai Nath Mahto@ Jai Singh Resident of Village- Itarhiya, P.S. Karakat, District-Rohtas.
10. Kedar Nath Singh@ Kedar Mahto
11. Kashi Nath Singh@ Kashinath Mahto Both Sons of late Mahavir Mahto null
12. Umesh Singh All Sons are late Shiv Shankar Mahto All Resident of Village- Itadhiya, P.O. Itadhiya, P.S. Karakat(Gorari), District- Rohtas.
13. Ramesh Singh
14. Sarvesh Singh
15. Dhanwanti Devi Wife of Shiv Shankar Mahto
16. Nandjee Singh Son of late Dev Shankar Mahto Resident of Village- Itadhiya, P.O. Itadhiya, P.S. Karakat(Gorari), District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Raghunandan Kr.Singh
For the Respondent/s	:	Mr. Harish Kumar, G.P.-8
For Private Respondents:		Mr. Abdul Manan Khan

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

19 04-01-2019 This writ application has been filed on 22.11.2006, challenging an order dated 12.01.1988, passed by the learned Joint Director, Consolidation (M), Patna in Revision Case No. 1349/1986, whereby he allowed the revision application *ex parte* preferred by the private respondents second sets and has



set aside the order dated 15.04.1986 passed by the Assistant Director, Consolidation, Rohtas at Samasram in Appeal Case No. 2/84-85. The sole ground which has been taken to assail the impugned order in the present writ application is that the petitioner did not have any knowledge about the proceeding before the Joint Director, Consolidation of Revision Case No. 1349 of 1986.

2. Learned counsel appearing on behalf of the petitioner has submitted that from the order itself it would appear that the revisional Court did not ensure service of notice upon the petitioner who was impladed as respondent before the revisional authority and passed the order ex parte.

3. In the light of the plea taken on behalf of the petitioner, this Court had directed the learned counsel appearing on behalf of the State of Bihar to produce the original records of the said Revision Case No. 1349 of 1986. The records have accordingly been produced before this Court. In the order dated 27.03.1987 the Joint Director has recorded that the notice was served upon the petitioner. It also appears from the order-sheet that notices were sent to the petitioner. It is the petitioner's stand, however, that in fact no notice was served upon him. Learned counsel for the petitioner has also submitted that in the



absence of any material on record to suggest that service was effected, the stand of the State that notice was served upon the petitioner may not be accepted by this Court.

4. Learned counsel appearing on behalf of private respondent Nos. 8,9 and 10 while opposing the writ application has taken a preliminary objection over maintaining this writ application filed nearly 18 years after passing of the impugned order. It has been submitted by him that the petitioner had the knowledge about passing of the impugned order by the Joint Director in revision case and pendency of the revision case itself. He contends that once the petitioner did not chose to challenge the order of the revisional authority within reasonable period of time from the date of the passing of the said order, this application should not be entertained. My attention has been drawn to a copy of the judgment of the learned Judicial Magistrate-Ist Class, Bikramganj, Sasaram, whereby the petitioner had been convicted of the offence punishable under various Sections of the Indian Penal Code and taking aid of the said judgment, it is being argued that the petitioner had knowledge about the pendency of the revision case before the revisional authority and disposal of the said revision case by the impugned order by the Joint Director.



5. I have carefully perused the pleadings of the writ application except the plea that the petitioner did not receive any notice before the impugned order was passed in 1988, there is absolutely no explanation available for delay on the part of the petitioner in approaching this Court by filing the present writ application. There is no specific averment in the writ application that the petitioner or his father did not have knowledge about the passing of the order by the revisional authority in 1988.

6. Considering the inordinate delay in filing the present writ application, I am not inclined to entertain the same.

7. This application is, accordingly, dismissed.

8. Let the original records produced by the learned counsel for the State be returned.

(Chakradhari Sharan Singh, J)

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