

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1337 of 2015

In
Civil Writ Jurisdiction Case No.9990 of 1997

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1. Ashok Kumar Singh, Son of Late Rash Narain Singh.
 2. Amrendra Singh, Son of Late Rash Narain Singh.
 3. Umesh Singh, Son of Late Rash Narain Singh.
 4. Nit Narain Singh, Son of Late Sri Narain Singh, All residents of village - Matar, P.S. Bhagwanpur, P.O. Umapur, District - Rohtas
 5. Dulhin Dayawanti Devi, Wife of Kanhaya Lal Singh and daughter of Late Shri Narain Singh, resident of village - Kagwan, P.O. and P.S. Panaganj, District - Mirzapur, U.P.
 6. Vinay Kumar Singh,
 7. Anup Kumar Singh,
 8. Sushil Kumar Singh,
 9. Gautam Kumar Singh,
 10. Guddu Kumar Singh, All sons of Late Dulhin Munna Devi, Wife of late Ramesh Prasad Singh.
 11. Baby Devi, Daughter of Late Dulhin Munna Devi, Wife of Late Ramesh Singh, All residents of village - Chandarpur, P.S. and P.O. Ambikapur, District - Chattishgarh, at present the aforesaid are residing at All residents of village - Matar, P.S. Bhagwanpur, P.O. Umapur, District - Rohtas, now Kaimur.

... .. Appellants

Versus

1. The State of Bihar.
2. The Director of Consolidation, Bihar, Patna.
3. The Deputy Director of Consoliation, Rohtas.
4. The Consolidation Officer, Bhagwanpur.
5. Narad Bind, Son of Late Mangaru Bind.
6. Sita Ram Prasad, Son of Late Jiut Bind.
7. Awadhesh Prasad, Son of Late Jiut Bind.
8. Basant Prasad @ Basant Bind, Son of Late Jiut Bind.
9. Subodh Bind,
10. Basisth Bind
11. Guput Bind, All sons of Late Kishore Bind.
12. Ramchandra Prasad,
13. Manoj Kumar,
14. Ram Kumar Prasad, All sons of Late Lalat Bind. All residents of village - Matar, P.S. Bhagwanpur, P.O. Umapur, District - Rohtas, now Kaimur
15. Bahadur Bind, son of Late Mangaru Bind
- 16A. Munga Devi, Wife of Late Suresh Bind
- 16B. Chhedi Bind, Son of Late Suresh Bind, both resident of vill.-Matar, P.S.- Bhagwanpur, District-Kaimur at Bhabua.
17. Basmati Devi, Wife of Late Sant Prasad
18. Munna Prasad, Son of Late Sant Prasad
19. Hiralal Prasad, Son of Late Sant Prasad
20. Prem Chand Bind, Husband of Sheo Lochan Devi
21. Komal, Daughter of Late Jiut Bind
22. Jitendra Prasad, Son of Late Jiut Bind. All residents of village - Khuddi, P.S. Chand, at Present village - Matar, P.S. Bhagwanpur, District - Rohtas now Kaimur



... .. Respondents

Appearance :

For the Appellant/s	:	Mr. R.K.P. Singh, Adv. Mr. Tribhuwan Narayan, Adv.
For the State	:	Mr. Prabhakar Jha, GP 27 Mr. Mukund Mohan Jha, AC to GP 27
For the Pri. Resp.:		Mr. R.A. Pradhan, Sr. Adv. Mr. Ranjeet Choubey, Adv. Mr. Jainendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 22-01-2019

The private respondents in the writ petition are before this Court as appellants and we are yet to find reasons as to the cause of action available to them or the reasons for their grievance in the nature of the order that is put to question in this appeal.

The appeal arises from the judgment and order of a learned Single Judge passed in CWJC No. 9990 of 1997 dated 14.05.2015, whereby the writ petition was disposed of with liberty to the aggrieved party to move competent Court of Civil Jurisdiction for declaration of their right, title and interest over the subject land.

The respondents herein were the petitioners before the writ Court and have filed a writ petition questioning the order passed by the Director, Consolidation in purported exercise of powers vested under Section 35 of the Bihar Consolidations of



Holdings and Prevention of Fragmentation Act, 1956 (hereinafter referred to as 'the Act'), dated 30.08.1997 in Revision Case No. 518 of 1983, whereby he had set aside the order passed by the lower statutory authorities. The matter was contested before the learned Single Judge and by a discussed order the writ petition was disposed of on the following terms:

“ I was initially inclined to remit the matter once again to the respondent-Director for fresh consideration in view of certain apparent flaw(s) in the finding with regard to the status of the writ petitioners and reasons assigned therefor but having regard to the fact that when the respondents have claimed removal of the name of the writ petitioners from the RS khatyan and also for declaration of his/their title over the subject land the matter can be appropriately agitated before the Court of competent civil jurisdiction.

In view of the aforesaid, this Court disposes of the writ application by permitting the aggrieved party to move the court of competent jurisdiction for declaration of their right, title and interest in respect of the subject land. The benefits of the order passed by the Consolidation Officer shall in that event, not inure either to the plaintiffs or the defendants of the suit. In case the suit is preferred within a reasonable time the same shall be disposed of on its own merit in accordance with law.”



It is not the writ petitioners who are before this Court, rather the private respondents in the writ petition are before this Court and we are yet to discover the reasons therefor because there is absolutely no adjudication of inter-party rights. In our opinion, in the circumstances noted if at all anyone could have been aggrieved it was the writ petitioners because their challenge to the order passed by the statutory authority under 'the Act' was not interfered with rather by an order of an advisable nature the writ petition was disposed and which did not aggrieve the writ petitioners to move in intra-Court appeal rather the private respondents on an ill-advised challenge have come in appeal, which is thoroughly misconceived for there lies no cause of action for them to maintain this appeal which is dismissed accordingly.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Archana/
Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.02.2019
Transmission Date	NA

