

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23722 of 2019

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Madan Singh, Son of Late Ganga Singh, Resident of Village-Athari, P.S.-
Runnisaidpur, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reform, Government of Bihar, Patna.
2. The Director, Consolidation, Department of Revenue and Land Reform, Government of Bihar, Patna.
3. The Deputy Director, Consolidation Office, District-Sitamarhi.
4. The Commissioner, Tirhut Division at Muzaffarpur, District-Muzaffarpur.
5. The District Magistrate cum Collector, Sitamarhi.
6. The Deputy Collector, Land Reform, District-Sitamarhi.
7. The Circle Officer, Runnisaidpur, District-Sitamarhi.
8. Smt. Ramdulari Sinha, Wife of Shiv Mangal Prasad Singh, Resident of Village-Athari, P.S.-Runnisaidpur, District-Sitamarhi.
9. Shiv Mangal Prasad Singh, Son of Late Baidyanath Prasad Singh, Resident of Village-Athari, P.S.-Runnisaidpur, District-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sharma
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-11-2019 Heard both sides.

Petitioner has filed this writ petition to quash the order dated 02.08.2018 passed by learned Chairman in B.L.T. Case No.558 of 2017 by which the learned Chairman set aside the order of Director, Consolidation and remanded the matter for a fresh hearing in accordance with law on the ground that the Director, Consolidation did not pass any order for condonation of delay at the time of admission of consolidation revision case



nor there was any report that service of notice was properly served on the other side and fixed the case for ex-parte hearing.

Learned counsel for the petitioner submits that sufficient opportunity was given to the private respondents but when the private respondents did not appear before the Director, Consolidation, the case was fixed for ex-parte hearing.

Having considered the submissions and on perusal of the order, I find that the learned Chairman has categorically held that the delay was condoned by the Director, Consolidation but before condoning the delay, the opposite parties of the Consolidation Revision Case No.334 of 1999 were not noticed. Even there was no report that the service of notice after admission of Consolidation Revision Case No.334 of 1999 was properly served on the opposite parties and the consolidation case was fixed for ex-parte hearing. Therefore, the Chairman has rightly remanded the case to the Director, Consolidation for hearing afresh.

Accordingly, this writ petition is dismissed.

(Prabhat Kumar Jha, J)

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