

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23805 of 2019

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Satyendra Upadhyay Son of Late Triveni Upadhyay alias Triveni Resident of
Village- Brahmpur, Police Station- Brahmpur, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Member, Administrative Bihar Land Tribunal, Patna.
3. The Director, Consolidation, Bihar, Patna.
4. The Deputy Director, Consolidation at Bhojpur, Arrah.
5. The Joint Director, Consolidation, Bihar, Patna.
6. The Consolidation Officer, Brahmpur, District- Bhojpur.
7. Rameshwar Chaubey Son of Late Radha Mohan Chaubey Resident of Village- Hirpur, Brahmpur, Police Station- Brahmpur, District- Buxar.
8. Sri Ravindra Upadhyay Son of Late Triveni Upadhyay Resident of Village- Brahmpur, Police Station- Brahmpur, District- Buxar.
9. Sri Surendra Upadhyay Son of Late Triveni Upadhyay Resident of Village- Brahmpur, Police Station- Brahmpur, District- Buxar.
10. Sri Harendra Upadhyay Son of Late Triveni Upadhyay Resident of Village- Brahmpur, Police Station- Brahmpur, District- Buxar.
11. Sri Yogendra Upadhyay Son of Late Triveni Upadhyay Resident of Village- Brahmpur, Police Station- Brahmpur, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Singh, Advocate
For the State	:	Mr. Sajid Salim Khan, SC 25 with Ms. Prakritita Sharma, AC to SC 25

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 02-12-2019

Heard learned counsel for the petitioner and learned SC
25 of the State.

2. The petitioner has moved the Court for the following
reliefs:



“(I) Issuance of appropriate writ/orders for quashing the order dated 21.09.2017 passed in B.L.T. Case No. 806 of 2016 by Sri K. P. Ramaiah, Member, Administrative, Bihar Land Tribunal by which the Revisional order dated 29.07.2016 passed in Revision No. 196 of 2006 passed by Joint Director, Consolidation has been set aside and order of Deputy Director in Appeal Case No. 6 and 7 of 2008 has been affirmed and further directed to pursue the pending civil suit i.e. Title Suit No. 126 of 2009.

(ii) Issuance of the writ/order/direction to Respondent authorities not to interference in the possession of petitioner’s land.

(iii) Any other relief to which the petitioner is found entitled to in the facts and circumstances of the case.”

3. With regard to the land in question, the Consolidation Officer passed an order in favour of the petitioner and the respondent no. 7 moved in appeal before the Deputy Director, Consolidation which had reversed the order of the Consolidation Officer, against which the petitioner moved in revision before the Joint Director, which again restored the order of the Consolidation Officer in favour of the petitioner. The same was again reversed by order dated 21.09.2017 passed by the Bihar Land Tribunal, Patna in B.L.T. Case No. 806 of 2016.

4. Learned counsel for the petitioner submitted that without there being any good ground, the Bihar Land Tribunal, Patna, has passed order against him, which is erroneous. It was submitted that in view of the pendency of Title Suit No. 126 of



2009, though the petitioner after appearing is also contesting the case, the findings in the order impugned may come in his way before the Court where the Title Suit is pending.

5. Learned counsel for the State submitted that the Civil Court is competent to decide the matter on the basis of materials which the parties produce and, thus, the petitioner will not be prejudiced and ultimately it is the order passed by the Civil Court which shall prevail.

6. Having regard to the aforesaid, the writ petition stands disposed off with the observation that the Court concerned deciding Title Suit No. 126 of 2009 shall do the same, on the basis of materials produced before it by the parties, in accordance with law, without being prejudiced by any observation /finding which may have been made in the orders, either of the Consolidation Officer; the Deputy Director, Consolidation; the Joint Director, Consolidation or the Bihar Land Tribunal.

(Ahsanuddin Amanullah, J)

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