

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4863 of 2020

Ramdulari Devi

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey
For the Respondent/s : Mr.Subash Chandra Yadav (Gp15)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-09-2022

Heard the parties.

The following prayer has been made in the writ petition.

“1. That this application is being filed for issuance of following writ/writs, order/orders:-

(i) For issuance of writ in the nature of certiorari for quashing the order dated 27.02.2018 passed by Deputy Director, Consolidation, Sitamarhi in Appeal No. 06/2016 by which he has suspended the proceeding of appeal in view of notification no. 54 dated 19.01.2018.

(ii) For issuance of writ in the nature of command directing the respondents to disclose the case number of land acquisition proceeding with respect to land in question and also to produce the original records before this Hon’ble Court because of the case the basis of claim of state official is that disputed land has been acquired in valid land acquisition proceeding but neither they have disclosed the case number nor they have produce the records.

(iii) For issuance of writ in the nature of command directing the respondents to restrain from interfering in peaceful possession of the petitioners till final disposal of the Appeal No. 06/2006.



(iv) For issuance of any other writ/writs, order/orders for which petitioners deemed entitled to.”

The main contention of the petitioners is that the appeal was kept in abeyance pursuant to Notification No. 54 dated 19.01.2018 issued by the Revenue and Land Reforms Department (Directorate of Consolidation).

Now, a new Notification No 12 of 2018 dated 21.08.2018 has come by which it has been decided that the pending appeals/revision shall be disposed of by the consolidation authorities which were kept in abeyance pursuant to the Notification No. 54 dated 19.01.2018.

In view of the Notification No. 12 dated 21.08.2018 the Director(Consolidation), Bihar will dispose of the Appeal No. 6 of 2016 as contained in Annexure-1 to the writ petition after hearing the parties in accordance with law and the same shall be decided within four months from receipt/production of a copy of this order.

The second prayer of the petitioner is not to be decided by this Court in view of the fact that the appeal will be decided by the Director and all these documents can be called for by the Directorate during hearing of the appeal.

It is specified that he will not wait indefinitely for the



documents because till date they have not been able to produce the same since 2016.

The State in Para-14 of the counter affidavit has accepted that the petitioners are in possession.

Considering the same, it is directed that during the pendency of the appeal, the possession of the petitioner shall not be disturbed.

With the aforesaid direction, it is allowed.

(Sandeep Kumar, J)

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