

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11935 of 1997

- 1.1. Satya Narain Singh, Son of Late Jagdish Singh, Resident of Village - Chhitrauli, P.S. Goraul, District - Vaishali.
- 1.2. Awadhesh Singh, Son of Late Jagdish Singh, Resident of Village - Chhitrauli, P.S. Goraul, District - Vaishali.
- 1.3. Rajeshwar Singh, Son of Late Jagdish Singh, Resident of Village - Chhitrauli, P.S. Goraul, District - Vaishali.
- 1.4. Samudri Devi, Widow of Late Jagdish Singh, Resident of Village - Chhitrauli, P.S. Goraul, District - Vaishali.
- 2.1. Mosst. Azbir Devi, Widow of Late Jagdeep Singh, Resident of Village - Chhitrauli, P.S. - Goraul, District - Vaishali.
- 2.2. Ashok Prasad Singh, Son of Late Jagdeep Singh, Resident of Village - Chhitrauli, P.S. - Goraul, District - Vaishali.
- 2.3. Ram Pravesh Singh, Son of Late Jagdeep Singh, Resident of Village - Chhitrauli, P.S. - Goraul, District - Vaishali.
3. Subodh Prasad Singh, Son of Late Vidya Nandan Singh, Resident of Village - Chhitrauli, Mahesh, P.S. - Goraul, Dist. - Vaishali.
4. Binod Prasad Singh, Son of Late Vidya Nandan Singh, Resident of Village - Chhitrauli, Mahesh, P.S. - Goraul, Dist. - Vaishali.
5. Sangita Kumari, Daughter of Late Vidya Nand Singh, Resident of Village - Chhitrauli, Mahesh, P.S. - Goraul, Dist. - Vaishali.
6. Bina Devi, Wife of Late Vidyanandan Singh, Resident of Village - Chhitrauli, Mahesh, P.S. - Goraul, Dist. - Vaishali.

... .. Petitioner/s

Versus

1. The Joint Director of Consolidation, Muzaffarpur.
2. Deputy Director of Consolidation, Vaishali at Hajipur.
3. Consolidation Officer, Goraul Anchal, Vaishali at Hajipur.
- 4.1. Chanchala Devi, Wife of Late Babulal Singh, Resident of Village - Premraj, P.O. Piroi, Via - Bhagwanpur, P.S. - Goraul, District - Vaishali.
- 4.2. Umesh Singh, Son of Late Babulal Singh, Resident of Village - Premraj, P.O. Piroi, Via - Bhagwanpur, P.S. - Goraul, District - Vaishali.
- 4.3. Parvati Devi, Daughter of Late Babulal Singh, Wife of Jagdish Singh, Resident of Village and P.O. - Baksama, P.S. - Goraul, District - Vaishali.
- 4.4. Sarbatiya Devi, Wife of Late Raj Kishore Singh, Daughter of Late Lalbabu Singh, Resident of Village and P.O. - Baksam, Via - Mahua, P.S. - Goraul, District - Vaishali.
- 4.5. Chinta Devi, Wife of Surendra Singh, Daughter of Late Babu Lal Singh, Resident of Village and P.O. - Rasulpur Korigaon, Tola - Raumagri, Via - Bhagwanpur, P.S. - Goraul, District - Vaishali.
- 4.6. Manju Devi, Wife of Sudhakar Singh, Daughter of Late Babulal Singh,



Resident of Village - Pakari, P.O. Piroi, Via - Bhagwanpur, P.S. - Mahua,
District - Vaishali.

5. Umesh Singh, Son of Mahendra Singh, Resident of Village - Premganj, P.S. - Goraul, Dist. - Vaishali.
6. Jagdish Singh, Son of Munarik Singh, Resident of Village - Korigaon Sangal, P.S. - Goraul, District - Vaishali.
7. Chandeshwar Singh, Son of Munarik Singh, Resident of Village - Korigaon Sangal, P.S. - Goraul, District - Vaishali.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the State : Mr. Fazle Karim, A.C. to S.C.-1

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

16 28-06-2022 Heard the parties.

Shri Arun Kumar, learned Advocate, appears for Respondent No. 4(b) and (e). He also represents Respondent No. 5.

So far as other substituted heirs of Respondent No. 4 i.e. 4(a)(c)(d) and (f) are concerned, notice was sent to them by registered post and the same has not been returned so the notices are deemed to be validly served. Moreover, their interest are represented by Advocate for Respondent No. 4(b)(e) and 5.

Learned Advocate for the Respondent No. 4(b) and 4(e) adopts the counter affidavit filed on behalf of the Respondent No. 5.

This writ petition can be disposed of without going into the details of the case. In paragraph No. 13 of the writ



petition, the learned counsel for the petitioners has stated as follows:-

“That the Opp, Party No. 3 Vidyanand Singh died in March, 1996 but no substitution in his place was made and the order has been passed on a dead person and therefore the order as contained in Annexure-2 is also a nullity.”

This paragraph has been denied by the Respondent No. 5 in his counter affidavit.

It is an admitted position that the impugned order dated 16.09.1996 has been passed against a dead person. Any order passed against a dead person is no order in the eye of law and, therefore, it cannot be sustained.

This application is allowed.

The order dated 16.09.1996 passed in Revision Case No. 1009 of 1988 by the Joint Director of Consolidation, Muzaffarpur, is hereby quashed.

The matter is remitted back to the Joint Director, Consolidation, Bihar, Patna for fresh hearing.

The parties will take all steps for substitution before the Joint Director, Consolidation, Bihar, Patna and, thereafter, the same shall be decided after hearing all the parties after issuing proper notice.

Since learned counsel for the parties are appearing in



this Court, they will go and appear before the Joint Director, Consolidation, Bihar, Patna on 18th of July, 2022 with a copy of the order. Thereafter, the Joint Director, Consolidation, Bihar, Patna, shall fix a firm date and proceed in the matter.

It is expected that the matter be decided within four weeks from today.

(Sandeep Kumar, J)

Saif/-

U			
---	--	--	--

