

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6419 of 2018

1. Ram Dular Bind son of Rampati Bind,
2. Jamuna Bind, son of Late Jhuri Bind,
3. Rajendra Prasad, son of Dwarika Prasad, All are Resident of Village-Darunpur, Post Office- Karaji, Police Station- Chand, District- Kaimur Bhabua.

.. ... Petitioner/s

Versus

1. The State of Bihar
2. The Director of Consolidation, Bihar, Patna.
3. The Deputy Director, Consolidation Head Quarter, Bihar, Patna.
4. The Deputy Director of Consolidation, Rohtas at Sasaram.
5. The District Magistrate-cum- Collector, Kaimur at Bhabua.
6. The Consolidation Officer, Chand, P.S.- Chand, District- Kaimur.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pathak, Advocate
For the Respondent/s : Mr. Raj Kishore Roy- GP18

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-05-2023 Heard learned counsel for the petitioners and learned
counsel for the respondents.

The petitioners have filed the instant application for
the following reliefs:

*“I. For issuance of appropriate writ/s, order/s or
direction/s including the writ in the nature of
certiorari for quashing the order dated 12.10.2017
passed in Revision Case No. 72 of 2014 by
respondent no.3 as contained in Annexure- 7 to this
writ petition, whereby and where under the*



application for delivery of physical possession of land distributed under consolidation scheme of the village given by the petitioners and others have been refused on erroneous consideration.

II. For issuance of appropriate writ/writs, order/orders or direction including the writ in the nature of mandamus commanding the concerned respondents to deliver physical possession of the land of village Darunguur of Circle Chand, District-Kaimar in favour of petitioners and others in which the consolidation of the land was confirmed much earlier in the year 1981 and the Khatiyani was distributed but no positive attempt was made by the authorities to deliver possession of the land to the parties.

III. For issuance of appropriate writ/s, order/s, direction/s to concerned authority for not interfering the right, title and possession of the petitioners on their allotted chaks and plots allotted under the consolidation scheme.

IV. To pass such other order as the petitioners are found entitled too.”

It is the case of the petitioners that from perusal of the ordersheet of Revision Case no.193 of 1995 before the Collector, Consolidation, the hearing in the case had concluded on 1.3.2017 and the case was reserved for orders. However, it subsequently transpired that some intervenor appeared in the said case by filing Vakalatnama on 24.4.2017 and to the surprise of the petitioner, without issuing any notice to the petitioner the



documents brought on record by the said intervenor was taken into consideration by the Director, Consolidation and the order impugned passed.

It is thus submitted that the order impugned dated 12.10.2017 be set aside and the matter be remanded back to the Director, Consolidation for hearing the parties and passing a fresh order in accordance with law.

Having heard learned counsel for the parties and on perusal of the record it transpires that the petitioners are effected by the order impugned dated 12.10.2017 passed by the Director, Consolidation wherein allowing the intervention application, he has taken into consideration the documents brought on record by the intervenor. The said order was passed without hearing the petitioner. At the same time, on perusal of the contents of this writ application, it transpires that now the petitioner himself has not made the said intervenor as a party respondent in the instant writ application.

Further it is submitted by learned counsel appearing or the respondent-State that the petitioner has an equally alternative and efficacious remedy of preferring an application before the Tribunal under the Bihar Land Disputes Resolution Act, 2009.



The Court finds substance in the submissions made on behalf of the respondents.

Accordingly this writ application is dismissed giving liberty to petitioner to prefer an appropriate application under the Bihar Land Dispute Resolution Act, 2009, which, if preferred within a period of 30 days from today, the learned Tribunal in considering the application for condonation of delay will take into consideration the period for which the instant application was being pursued in this Court.

(Partha Sarthy, J)

Bibhash/-

U			
---	--	--	--

