

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3118 of 2023

1. Arjun Koiri son of Late Ghurphekhan Koiri, resident of Village Deohaliya, P.O. Deohaliya, P.S. Ramgarh, Anchal Ramgarh, District Kaimur.
2. Ramyash Kushwaha @ Ramjas Koiri @ Ramjas Kushwaha son of Late Dudh Nath Koiri @ Dudhnath Kushwaha, resident of Village Deohaliya, P.O. Deohaliya, P.S. Ramgarh, Anchal Ramgarh, District Kaimur.
3. Radhe Sayam Koiri son of Late Ram Deni Koiri, resident of Village Deohaliya, P.O. Deohaliya, P.S. Ramgarh, Anchal Ramgarh, District Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Old Secretariat Building Patna.
2. That Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Director Consolidation, Bihar Patna.
4. The Consolidation Officer, Ramgarh, District Kaimur.
5. Puspa Devi wife of Late Shiv Charan Koiri, resident of Village Deohaliya, P.O. Deohaliya, P.S. Ramgarh, Anchal Ramgarh, District Kaimur.
6. Gurucharan Singh Kushwaha @ Gurucharan Koiri, son of Late Jai Nath Koiri, resident of Village Deohaliya, P.O. Deohaliya, P.S. Ramgarh, Anchal Ramgarh, District Kaimur.
7. Hari Charan Singh Kushwaha @ Hari Charan Kushwaha @ Hari Charan Koiri, son of Late Jai Nath Koiri, resident of Village Deohaliya, P.O. Deohaliya, P.S. Ramgarh, Anchal Ramgarh, District Kaimur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jai Vardhan Narayan, Adv.
For the Respondent/s	:	Mr. Rishi Raj Sinha, (SC-19)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 19-07-2023

Heard learned counsel for the petitioners and
learned counsel for the State.

2. The present writ application has been filed
against the order and judgment dated 22.10.2021 passed by the

Bihar Land Tribunal, Patna in B.L.T. Case No. 530 of 2019, whereby the B.L.T. case was allowed and the order dated 20.06.2019 passed by the Director Consolidation, Bihar, Patna in Consolidation Revision No. 273 of 2012 was set aside and the Director Consolidation, Bihar, Patna had directed the Consolidation Officer, Ramgarh to modify the *kaifiyat* column of *khatian* of land in question appertaining to *Mauza* Deohalia, Thana No. 94, *Khata* No. 224, *Anchal*- Ramgarh, District- Kaimur, Area 3.25 acres of different *khata* mentioning half and half according to the share of both the parties.

3. Learned counsel for the petitioners submit that the order passed by the Bihar Land Tribunal, Patna is not passed in accordance with law, due to the reason that the Hon'ble High Court has granted liberty to the petitioners in the writ petition to raise their grievances before the Director Consolidation, Bihar, Patna.

4. Upon hearing the parties and thereafter the order passed by the Director Consolidation, Bihar, Patna in view of the observations made by this Hon'ble Court is absolutely legal and there is no discrepancy in the said order.

5. Learned counsel for the petitioners further submit that non-movement for changes in R.S. *Khatiyani* 40

years back, as well as the questions of ending of Title Suit No. 245 of 2012 by Sub-Judge-1st, Bhabhua on 01.06.2012, both facts was well before this Hon'ble Court and then only this Hon'ble Court has granted liberty in the writ petition to raise the claim of the petitioners before the Director Consolidation, Bihar, Patna and since, this liberty was already been granted to hear this matter by the Director Consolidation, Bihar, Patna, therefore, the Director Consolidation, Bihar, Patna entered in all the questions and decided the matter completely in accordance with law. The Bihar Land Tribunal, Patna has set aside the order passed by the Director Consolidation, Bihar, Patna in Consolidation Revision Case No. 273 of 2012 only on technical grounds and, therefore, he submits that notice may be issued upon the private respondents, so that after hearing the order may be passed.

6. Learned counsel for the petitioners also sought alternative remedy before this Court that at least the right to sue may be directed to be survived, raising new cause of action if, this Court is not ready to entertain this writ petition and inclined to affirm the order passed by the Bihar Land Tribunal, Patna.

7. Learned counsel for the State submits that the order passed by the Bihar Land Tribunal, Patna is a detailed

order in which every aspect has been discussed, particularly, the aspect of applicability of Section 35 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 [Bihar Act 22 of 1956] as well as limitation which automatically creates for a long period of 40 years, revisional entry has not been challenged and subsequently, when the suit which was dismissed on any grounds and it could not be revived within three years from the date of dismissal, resulted into end of the cause of action in the light of Section 3 of the Limitation Act, 1963 [Act 36 of 1963].

8. Learned counsel for the State has submitted that in case of *Most. Prabhawati Kumari & Ors. vs. The State of Bihar & Ors. reported in 2019(3) PLJR 430*, the Full Bench of this Hon'ble Court has categorically reached on the finding that the matters related to consolidation, no title suit shall continue.

9. In the light of the above discussions made by the parties, this Court is of the firm opinion that the petitioners have lost remedy for correction of revisional survey *khatian*. They lost remedy in the title suit which was dismissed and not revived and three years lapsed and even after granting liberty by the Hon'ble Court to the Director Consolidation, Bihar, Patna to hear the matter which was decided in favour of the petitioners

and the said order was set aside by the Bihar Land Tribunal,
Patna.

10. This Court found that no cases are left for the
petitioners, therefore, the present writ application is hereby
dismissed.

(Dr. Anshuman, J.)

sadique/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2023
Transmission Date	NA