

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11592 of 2023

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Jagnarayan Singh S/o Chhathu Singh, R/o Village- Babhnaul, P.S. Dawath,
District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Director Consolidation, Government of Bihar, Patna.
3. The Consolidation Officer, Dawath, District - Rohtas.
4. The District Magistrate, District - Rohtas.
5. The Circle Officer, Dawath, District - Rohtas.
6. Satyanarayan Singh, S/o Late Baijnath Singh, R/o Ward No. 14, Village - Babhnaul, P.S. Dawath, District - Rohtas, PIN - 802211.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam, A.A.G.-12

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-04-2024 Heard the parties.

2. The present petition has been preferred for the
following reliefs:-

*(i) for issuance of an appropriate writ(s),
order(s), direction(s) setting aside the order dated
03/03/2016 passed by the Consolidation Officer,
Dawath, District- Rohtas in Consolidation Case
No. 51 of 2016-17 where under and whereby the
Consolidation Officer has illegally directed to open
khatiyani with respect to government land in favor*



of the private respondent;

(ii) for issuance of an appropriate writ(s), order(s), direction(s) holding that neither the Consolidation Officer has jurisdiction to settle the government land in favor of the private respondent under Section 10B of the Consolidation Act nor the private respondent has eligibility for such settlement;

(iii) for issuance of an appropriate writ(s), order(s), direction(s) restraining the private respondent to interfere in the use of land in question by public at large including the Petitioner.

3. Though the matter is of the year 2016, in view of the fact that even State was not made party, a counter affidavit on behalf of the respondent nos. 4 and 5 has come duly put on affidavit by the Circle Officer, Dawath and paragraph nos.- 6 to 8 read as follows:-

“6. That it is humbly submitted that the revisional survey Khatiyan of Khata No. 1093 of Village Babhanul has been recorded in the name of State of Bihar and the same is in possession of State of Bihar.

7. That it is humbly submitted that the respondent no. 6 Satyanarayan Singh illegally



without any case no. got entered his name in the Jamabandi and committed wrong with the office and after knowledge Circle Officer Dawath send the record to competent authority i.e.. Additional Collector Rohtas for cancellation of illegal Jamabandi through DCLR Bikramganj vide letter no. 1410 dated 25.09.2023.

8. That it is humbly submitted that respondent no. 6 Satyanarayan Singh filed consolidation case no. 51 of 2016-17 and illegal order passed on 03.03.2016 and it has been corrected on 11.03.2016 without hearing the State of Bihar and on that very illegal order the respondent no. 6 started claiming over the land then the State of Bihar preferred consolidation appeal no.28 of 2023 of 2023-24 against the order dated 03.03.2016 passed by consolidation officer Dawath consolidation case no. 51 of 2016-17 and the same is pending before Deputy director of consolidation Rohtas at Sasaram.

4. In view of the subsequent development, learned Counsel for the petitioner submits that he will be satisfied if the Consolidation Appeal No. 28 of 2023-24 is disposed of at an earliest after hearing all the parties.

5. Though the petitioner came before this Court belatedly, in view of the subsequent development, the writ petition is entertained and is disposed of directing the Deputy



Director, Consolidation, Rohtas at Sasaram to take the Consolidation Appeal Case No. 28 of 2023-24 to its logical conclusion after hearing all the parties within a period of six months from the date he receives the copy of the order.

6. Before parting, this Court would like to impose a cost of Rs. 1,000/- to the office of learned A.A.G.-12 for keeping the counter affidavit in its file despite the fact that the same was put on affidavit on 07.03.2024 and produced before the Court at the time of hearing today, 23.04.2024 which is to be deposited with the Patna High Court Legal Services Committee within a period of two weeks.

7. The writ petition stands disposed of.

(Rajiv Roy, J)

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