

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.842 of 2019

In
Civil Writ Jurisdiction Case No.1096 of 2017

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1. Vijay Shankar Singh Son of Late Sangram Singh resident of Village Chhebari, P.S. Ramgarh, District Kaimur Bhabua.
 2. Amir Singh Son of Late Mygar Singh, resident of Village Chhebari, P.S. Ramgarh, District Kaimur Bhabua.
 3. Lalita Singh Son of Late Mygar Singh, resident of Village Chhebari, P.S. Ramgarh, District Kaimur Bhabua.
 4. Kalika Singh, Son of Late Mygar Singh, resident of Village Chhebari, P.S. Ramgarh, District Kaimur Bhabua.

... .. Appellant/s

Versus

1. The State of Bihar Bihar.
2. The Chairman, Bihar Land Tribunal, Patna.
3. The Director of Consolidation, Bihar, Patna.
4. The Assistant Director of Consolidation, Rohtas, Sasaram.
5. The Consolidation Officer, Ramgarh Anchal,, District- Kaimur Bhabhua.
6. Madan Pandey, Son of Late Ram Niwas Pandey, resident of Village Chhebari, P.S. Ramgarh, District Kaimur Bhabua.
7. Prem Nath Pandey, Son of Late Ram Niwas Pandey, resident of Village Chhebari, P.S. Ramgarh, District Kaimur Bhabua.
8. Akhileshwar Narayan Pandey @ Akhileshwar Pandey, Son of Late Rajeshwar Pandey, resident of Village Chhebari, P.S. Ramgarh, District Kaimur Bhabua.
9. Pradip Kumar Pandey, Son of Late Rajeshwar Pandey, resident of Village Chhebari, P.S. Ramgarh, District Kaimur Bhabua.
10. Sri Kant Pandey, Son of Late Rajeshwar Pandey, resident of Village Chhebari, P.S. Ramgarh, District Kaimur Bhabua.
11. Brijraj Pandey, Son of Late Dinanath Pandey, resident of Village Chhebari, P.S. Ramgarh, District Kaimur Bhabua.
12. Chandrabhushan Pandey, Son of Late Dinanath Pandey resident of Village Chhebari, P.S. Ramgarh, District Kaimur Bhabua.
13. Ghanshyam Pandey Son of Late Dinanath Pandey resident of Village Chhebari, P.S. Ramgarh, District Kaimur Bhabua.
14. Kanhaiya Pandey, Son of Late Dinanath Pandey resident of Village Chhebari, P.S. Ramgarh, District Kaimur Bhabua.
15. Parmeshwar Bind, Son of Late Gayawan Bind, resident of Village Chhebari, P.S. Ramgarh, District Kaimur Bhabua.
16. Kameshwar Bind Son of Late Gayawan Bind, resident of Village Chhebari, P.S. Ramgarh, District Kaimur Bhabua.



- 17. Basgit Bind, Son of Late Sheo Mangal Bind, resident of Village Chhebari, P.S. Ramgarh, District Kaimur Bhabua.
- 18. Chhangur Bind, Son of Late Sheo Mangal Bind, resident of Village Chhebari, P.S. Ramgarh, District Kaimur Bhabua.
- 19. Bhalal Bind @ Bajaj Bind, Son of Late Sheo Mangal Bind, resident of Village Chhebari, P.S. Ramgarh, District Kaimur Bhabua.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar, Advocate Mr. Ram Vinay Prasad Singh, Advocate Mr. Arun Kumar, Advocate
For the Respondent/s	:	Mr. Satyendra Pandey, Advocate Mr. Baidya Nath Prasad, Advocate
For the State	:	Mr. Md.Khurshid Alam (Aag12)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-07-2024

The appellants, the direct descendants of one Raghunath Singh, are aggrieved with the judgment of the learned Single Judge; which it is alleged has over turned the decree in a title suit, which they obtained against the alleged wife of one of the deceased descendants of Raghunath Singh. Raghunath Singh had three sons, two of whom had one son each and the third had two sons. The first appellant is the son of one of the grandchildren of Raghunath Singh and petitioner Nos.2-4 are the sons of another grandson from the same father. One son of another grandson Ugrah Singh died in 1958. The appellants alleged that he died un-married. The



respondents contended that Ugrah Singh had left behind his wife Ranbaso Kuer, who had sold the properties to the contesting respondents.

2. It is seen from the impugned judgment that the writ petitioners, who are appellants herein had filed title suit against Ranbaso Kuer claiming title over the property, which was rejected but in appeal title dispute was held in favor of the petitioner by a judgment and decree dated 16.06.1975. A second appeal was filed before this Court numbered as S.A. No 481 of 1975; the same stood abated by reason of Section 4(c) of the Bihar Consolidation of Holding and Prevention of Fragmentation Act, 1956.

3. Ranbaso Kuer had in the meanwhile executed a number of sale deeds, the beneficiaries of which were the contesting respondents. The purchasers approached the Consolidation Officer, Ramgarh, for entering their names in respect of the land in question which request was rejected. The appeal was from the order of the Consolidation Officer which was allowed by the Assistant Director of Consolidation by order dated 28.11.2000; which in turn was set aside in revision by order dated 25.05.2009. In a writ application filed, the matter was remitted to the Bihar Land Tribunal invoking



the proviso to Section 15 of the Bihar Land Tribunal Act.

4. It was the order of the Bihar Land Tribunal dated 28.09.2016, which restored the order of the Assistant Director of Consolidation that was challenged unsuccessfully in the writ petition. The learned counsel for the appellant argued that the title suit had gone in favor of the appellants in the appeal filed. Further in the consolidation proceedings, no notice was issued to the appellants herein.

5. Learned counsel for the respondents sought to uphold the order of the learned Single Judge specifically pointing out that the petitioner could very well initiate a Civil Court, as has been directed by the learned Single Judge.

6. The learned Single Judge noticed that the order made by the Director of Consolidation setting aside the order in appeal was an ex-parte order. It was also noticed that the consolidation proceedings which remained stand still was revived on 21.02.2007 and thereafter, no notice was sent to the respondent evidencing the date of hearing of the writ petition. The decision of the Director of Consolidation in the revision petition was ex-parte, which was specifically noticed by the Tribunal in its order.

7. The learned Single Judge also noticed that by



statutory imprimatur of Section 4(c) of the Consolidation Act, the proceedings in the title suit which led to the second appeal stood abated. We extract Section 4(c) hereunder:-

[4](c) every proceeding for the correction of records and every suit and proceedings in respect of declaration of rights or interest in any land lying in the area or for declaration or adjudication of any other right in regard to which proceedings can or ought to be taken under this Act, pending before any court or authority whether of the first instance or of appeal, reference or revision, shall on an order being passed in that behalf by the court or authority before whom such suit or proceeding is pending stand abated.

8. We find absolutely no reason to interfere with the judgment of the learned Single Judge. The appeal would stand dismissed.

(K. Vinod Chandran, CJ)

(Nani Tagia, J)

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CAV DATE	
Uploading Date	23.07.2024
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