

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3259 of 2009

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- 1.1. Jairam Kumar Y. Singh S/o Late Jageshwar Singh Yadav, resident of Village-Barki Chilmi, P.S. Amas, District-Gaya, presently residing at 11, Birsa Nagar, Near Hanuman Temple, Jamshedpur, PS-Birsa Nagar, District-East Singhbhum (Mb-8210102544).
 - 1.2. Usha Devi, W/o Sri Arunjay Kumar and D/o Late Jageshwar Singh, R/o Karmadih, PS-Deo, District-Aurangabad.
 - 1.3. Uday Kumari W/o Sri Arvind Kumar and D/o Late Jageshwar Singh Yadav, R/o Mohalla-Chandauti, Gaya, PS-Chandauti, District-Gaya.
 - 1.4. Veena Devi, W/o Sri Sitaram Prasad Yadav, D/o Late Jageshwar Singh Yadav, R/o Naraindih, PS-Lutua, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Sinha, Advocate Mr. Arvind Kumar Sharma, Advocate Mr. Chetan Kumar, Advocate
For the Respondent/s	:	Mr. Sudhanshu Bhusan, Ac to GP 7

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

22 04-05-2026 In compliance of order dated 21.04.2025 as well as order dated 15.04.2026, the cost of Rs. 2000/- has been deposited with Patna High Court Legal Services Committee. Receipt of the same is on record.

2. Learned counsel for the State submitted that the counter affidavit has already been filed on 22.04.2025, which is on record.

3. This writ application has been filed for quashing the order dated 01.03.2008 (Annexure-8) passed by the Joint



Director of Consolidation, Gaya (respondent no. 3) in Revision Case No. 116 of 2006, whereby, respondent no. 3 has set aside the order dated 02.07.2007 (Annexure-5) passed by the Deputy Director of Consolidation, Gaya, (respondent no. 4) in Case No. 41 of 2006/65 of 2005 filed by respondent no. 5 against the validity of sale deed which was executed and registered during the pendency of consolidation proceeding whereby, the said objection of respondent no. 5 was rejected by Deputy Director of Consolidation, Gaya. It was further prayed that the sale deed executed on 14.06.2005 and registered on 15.06.2005 be not held as invalid and hit by the provision of Section 5 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 and prayed for declaring the sale deed dated 15.06.2005 as valid and legal in view of the decision of Division Bench of this Court reported in 2015(4) PLJR 902.

4. Learned counsel for the petitioners submitted that details of the land, in question, has been mentioned in paragraph 3 of the writ application. The said land was sold to the original petitioner by Sri Priyavrat Narain Singh, who is the full brother of respondent no. 5. Learned counsel further submitted that both the brothers i.e. vendor of original petitioners as well as respondent no. 5 partitioned their ancestral land amicably and



the purchased land was allotted in favour of vendor of original petitioners and after partition, the present sale deed was executed in favour of the original petitioners.

5. Learned counsel for the petitioner further submitted that after purchase of the said land, original petitioner filed an application before the Deputy Director of Consolidation, Gaya for entering his name in the draft Chak Khatian which was numbered as Case No. 41 of 2006/65 of 2005. In the said case, respondent no. 5 filed his objection with regard to sale deed no. 3634 dated 15.06.2005 and claimed that the said sale deed is void under Section 5(1) of the Act as no permission of the Consolidation Officer was obtained before execution of the sale deed. The Deputy Director of Consolidation, Gaya after hearing the parties rejected the objection of respondent no. 5 and allowed the petition of the petitioner for entering his name in the draft Chak Khatian.

6. Being aggrieved by the order dated 02.07.2007 passed by the Deputy Director of Consolidation, Gaya, the Revision Case No. 116 of 2007 was filed by respondent no. 5 before the Joint Director of Consolidation, Gaya.

7. After hearing the parties, the Joint Director of Consolidation, Gaya set aside the order of the Deputy Director



of Consolidation, Gaya dated 02.07.2007 passed in Case No. 41 of 2006/65 of 2005 vide order dated 01.03.2008 passed in Revision Case No. 116 of 2007 and held that sale deed executed and registered without permission of the Consolidation authorities under Section 5(1) of the Consolidation Act is illegal and declared the sale deed no. 3634 dated 15.06.2005 (wrongly written as sale deed no. 3934 dated 15.09.2005) as void.

7. Against the aforesaid order, the petitioner filed the present writ application, learned counsel for the petitioner submitted that during the pendency of the present writ application, the notification under Section 26A has been published on 19.01.2018, this fact has also been mentioned in the counter affidavit filed by the State and the copy of the notification dated 19.01.2018 has also been annexed in the said counter affidavit. The Deputy Director of Consolidation, Gaya (respondent no. 4) has clearly stated that draft statement and other formalities have already been done in view of Section 13 of the Consolidation Act in the year 1987 itself, only notification under Section 26A was not published. It is further submitted that as the aforesaid notification under Section 26A has already been published on 19.01.2018, in such circumstances, the sale deed is not a void document.



8. Considering the fact and circumstances of the case as well as notification under Section 26A dated 19.01.2018, the finding with regard to sale deed as void document is set aside and the sale deed in question, is directed to be treated as valid document and the order dated 02.07.2007 passed in Case No. 41 of 2006/65 of 2005 by the Deputy Director of Consolidation, Gaya is affirmed.

9. Accordingly, the order dated 01.03.2008 passed by the Joint Director of Consolidation, Gaya in Revision Case No. 116 of 2007 is set aside.

10. The writ application stands allowed.

(Khatim Reza, J)

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