

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7936 of 2026

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1. Manoj Kumar Sah, Son of Saudaghar Sah, Resident of Village- Tikaili, P.S. Dandkhora, District- Katihar.
 2. Kapildeo Sah, Son of Saudaghar Sah, through its Power of Attorney Holder Manoj Kumar Sah (Petitioner No. 1), Resident of Village- Tikaili, P.S. Dandkhora, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Director Consolidation, Bihar, Patna.
3. The Deputy Director Consolidation, Katihar.
4. The Consolidation Officer, Katihar.
5. Dhuna Kisku, S/o Late Supal Manjhi, Resident of Village- Medhali, P.S. Dandkhora, District- Katihar.
6. Mani Lal Kisku, S/o Late Chatur @ Mathur Manjhi, Resident of Village- Medhali, P.S. Dandkhora, District- Katihar.
7. Tallu Kisku @ Rajesh Kisku, S/o Late Chatur @ Mathur Manjhi, Resident of Village- Medhali, P.S. Dandkhora, District- Katihar.
8. Tirtha Nand Jha, S/o Daya Nand Jha, Resident of Village- Dumariya, P.S. Dandkhora, District- Katihar.
9. Deo Narayan Sah, S/o Bipin Sah, Resident of Village- Tikaili, P.S.- Dandkhora, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv.
For the Respondent/s : Mr. Vinay Kirti Singh, GA-2
Mr. Venkatesh Kirti, JC to GA-2

CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL JUDGMENT



Date : 30-06-2026

Heard the learned counsel for the parties.

2. The sole grievance of the petitioners is that they have been left remediless by the conduct of the Director, Consolidation, Bihar, Patna (respondent No. 2), who has refused to accept the revision application assailing the order dated 20.06.1990 passed by the Deputy Director, Consolidation, Katihar in Consolidation Appeal Case No. 16/1990-91, whereby the order dated 10.06.1988 passed by the Consolidation Officer, Katihar in Consolidation Case No. 289/1988-89 is reversed.

3. It has further been submitted that the petitioners were never heard in the aforesaid consolidation case before passing the order either by the Consolidation Officer, Katihar or by the Deputy Director, Consolidation, Katihar.

4. The learned counsel for the petitioners submits that it is apposite to mention here that the petitioners were not party in both the Courts below either before the Consolidation Officer in Case No. 289/1988-89 nor their land was under dispute before original Court U/s. 10 (4) of the Act in Case No. 289/1988-89 and in Appellate Jurisdiction U/s. 10 (c) of the Act mentioned the land of the petitioners without impleading



them party in the Appeal and hence the petitioners had/have no knowledge about the decision of the Appellate Court or accordingly they could not file the Revision U/s. 35 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 within a reasonable period though there is no statutory period prescribed for preferring Revision.

5. The learned counsel for the petitioner further submits that the dispute before the Consolidation Officer was appertaining to land bearing Khata No. 43 Khesra No. 299 having an area of 2.83 decimal situated at Mauza-Madheli, Thana No. 155 in the district of Katihar. It has been submitted that the aforesaid land is the *Raiyati*/ancestral land of the petitioners and the private respondents have no concern, at all, in the aforesaid land and this land has been coming in peaceful physical possession of the ancestors of the petitioners, who had purchased it through a registered sale-deed dated 02.11.1960 and, later on, it fell in their share and accordingly the land was muted in the name of the father of the petitioners.

6. It has been contended on behalf of the petitioners that the orders passed by the Deputy Director, Consolidation and the Consolidation Officer are simply untenable in the eyes of law on account of the same being *ex-*



parte in nature, adversely affecting the rights of the petitioners as *Raiyat* without affording any opportunity of hearing to them.

7. Against the aforesaid orders, the petitioners attempted to file revision application in terms of Section 35 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956, but the Office of the Director, Consolidation, Patna refused to accept the same for the reasons best known to it.

8. Thus, the learned counsel for the petitioners prays for a direction to the Director, Consolidation, Bihar, Patna (respondent No. 2) to accept the revision application and decide it on merits after hearing all the parties concerned.

9. The learned counsel appearing on behalf of the State does not dispute that there is a provision for filing revision against the orders passed by the Consolidation Officer and the Deputy Director, Consolidation and the same could have been entertained by the Office of the Director, Consolidation, but in not accepting the same, they are simply shirking away from their statutory duty of deciding the claims of the petitioners.

10. In this backdrop, the respondent No. 2, *i.e.*,



the Director, Consolidation, Bihar, Patna is hereby directed to accept the revision application, if the same is filed under Section 35 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 within a period of three weeks henceforth, after completing all the necessary formalities as required under law to be done by the petitioners, and having heard all the parties concerned including the official respondents, may decide the issue on its merits without being prejudiced by any observation made by this Court in the present order.

11. With the aforesaid observation/direction, the writ petition stands disposed off.

12. It is expected that respondent No. 2 will take up the matter in right earnest and will make all endeavors to dispose of the same as expeditiously as possible.

13. Interlocutory application(s), if any, also stands disposed off accordingly.

(Rana Vikram Singh, J)

Praveen-II/

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.06.2026
Transmission Date	N/A

