

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21665 of 2014

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Hari Narayan Ram Son of Late Jhagru Ram Resident of Village - Nat, P.S-
Buxar, District - Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Department of Land Reforms, Government of Bihar, Patna
3. The Director Consolidation, Land Reforms Department, Government of Bihar, Patna.
4. The District Magistrate, Buxar.
5. The Consolidation Officer, Buxar.
6. Bishwanath Ram Son of Late Katwaru Ram, Resident of Village - Nut, P.S. - Buxar, District - Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amish Kumar, Advocate
For the Respondent/s : Mr. Yogendra Pd. Sinha, AAG-7

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

10 27-01-2026 Heard Mr. Kaushal Kumar Jha, learned Senior

counsel for the petitioner and Mr. Shankar Kumar, learned AC

to AAG-7.

2. The present petition has been preferred for the
following relief(s):

*“i. For direction to the respondent
concerned to dispose of the application dated
26.09.2014 filed by the petitioner for making
correction in the Chakbandi Map as well as the
Khatiyani under Section 33(A) of the Bihar*



Consolidation of Holdings and Prevention of Fragmentation Act, 1956.

ii. For direction to the respondent concerned make necessary correction in the Chakbandi Map as well as Khatiyani of the Petitioner forthwith.

The Petitioners further prays for issuance of writ/writs, order/orders, direction/directions for the following relief/reliefs which he is entitled to in the facts and circumstances of the present case.”

3. The land is in the Buxar district under revenue village Mauja – Naat, Thana No. 382 and the claim of the petitioner is/are that plot nos. 216 and 217 were purchased by the ancestors on 09.06.1959.

4. A petition was earlier preferred before the Consolidation Officer, Buxar and thereafter, the writ petition was filed with two fold prayers:

“(i) to direct the respondents to dispose of the said representation and;

(ii) to make necessary correction in the Chakbandi map/khatiaani relating to the petitioner.”



5. During the pendency of the writ petition, in came, the order dated 26.12.2014 passed by the Consolidation Officer, Buxar Sadar rejecting the said prayer after recording that the said land in question has already been notified by S.O. No. 28(II) dated 31.03.2008 and six years later, the office do not have any power to interfere in it. The order closes with the direction to the petitioner to move before an appropriate Court under appeal for the redressal of the grievance.

6. The same has now been brought on record by way of Interlocutory Application.

7. The claim of the petitioner, as submitted, by learned Senior counsel is that a petition was filed, report was called for, based on the said report, an order has been passed. However, in between, the petitioner was neither provided the report nor heard before the order in question was passed.

8. Learned State counsel based on the counter-affidavit filed on behalf of the Consolidation Officer, Buxar Sadar, Buxar submits that the order in question clearly shows that the notification took place in the year 2008 itself and six years later, the petitioner came out of deep slumber and in that background, the order in question has rightly been passed.

9. Learned Senior counsel submits that in the counter-



affidavit, the State has not disputed the fact that neither the report sought for was handed over to him nor they were heard before the order in question came.

10. The petitioner has made a claim, the Consolidation Officer has passed an order, the area stands notified in the year 2008 itself. However, the fact remains that even if the petitioner has to move in appeal as directed by the Consolidation Officer in his order dated 26.12.2014, he has to be armed with all the documents to assail the inclusion of his land in the notification and/or the order passed by the Consolidation Officer, Buxar Sadar. The admitted fact is that neither the copy of the report sought for by the Consolidation Officer on the petition preferred by the petitioner was handed over to him nor he was heard.

11. On this limited point, this Court is constrained to set aside the order dated 26.12.2014 passed by the Consolidation Officer, Buxar Sadar allowing the petitioner to approach afresh who shall be passing a reasoned order after hearing all the parties. Needless to add, the documents on which the Consolidation Officer, Buxar Sadar shall rely should be handed over to the petitioner seeking his response before the reasoned order is passed.



12. The writ petition stands disposed of with aforesaid observation.

13. Interlocutory application, if any, also stands disposed of.

(Rajiv Roy, J)

Adnan/-

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