
(2015) 04 PAT CK 0040
In the Patna High Court
Case No : CWJC No. 7548 of 1997

Badri Pandey

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 16-04-2015

Acts Referred:

Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 — Section 35

Citation : (2015) 3 PLJR 192

Hon'ble Judges : Chakradhari Sharan Singh, J

Bench : Single Bench

Advocate : Satish Kumar Singh, for the Appellant; Indrajeet Bhushan, Advocates for the Respondent

Judgement

Chakradhari Sharan Singh, J—Heard the parties. In order to challenge the order dated 18.5.1995 passed by the Research Officer, Directorate of Consolidation, Bihar, Patna in Revision Case No. 464 of 1993, preferred against the order passed by the Deputy Director, Consolidation, Rohtas at Sasaram in Appeal No. 757 of 1987-88, a very short submission has been made on behalf of the petitioner that the Research Officer did not have jurisdiction to exercise revisional power under Section 35 of the "The Bihar Consolidation of Holdings & Prevention of Fragmentation Act, 1956" (hereinafter referred to as the "Act").

2. Learned counsel for the petitioner appears to be correct in his submission that under Section 35 of the Act, it is the Director, Consolidation or any other Officer authorized in that behalf, who can have the jurisdiction of Revisional Authority and no other Authority or Officer could exercise such power. He submits that Research Officer is certainly not Director of Consolidation. He has placed reliance upon a decision of this Court in a case of Danu Mahto Vs. The State of Bihar and Others, (1998) 1 PLJR 352 as well as upon another order of this Court dated 9.5.1997 passed in C.W.J.C. No. 11518 of 1994, wherein, the Court came to specific finding that the Research Officer was an Officer in the rank of Deputy

Collector, whereas, the Deputy Director, Consolidation, Rohtas himself was in the rank of Additional Collector.

3. I am convinced with the submission that the Research Officer could not have exercised revisional jurisdiction, in the facts and circumstances of the case, against the order of the Deputy Director, Consolidation, who was in the same rank or in higher rank than the Revisional Authority himself.

4. The impugned order dated 18.5.1995 cannot be sustained and is, accordingly, set aside. The matter is remitted back to the Director, Consolidation, Bihar for taking a decision afresh in accordance with law.