
(1999) 04 PAT CK 0019
In the Patna High Court
Case No : C.W.J.C. 4636 of 1998

Murahu Singh

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 13-04-1999

Acts Referred:

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

Citation : (1999) 3 PLJR 345

Hon'ble Judges : N. Pandey, J

Bench : Single Bench

Advocate : Mahesh Prasad 2, for the Appellant; Shailendra Kumar, Jagdish Pandey and Anshuman Pandey, for the Respondent

Final Decision : Dismissed

Judgement

N. Pandey, J.—Heard learned Counsel for the Petitioner, the State and the Respondents.

2. This writ petition has been filed for quashing the order of the Director, Consolidation (Annexure-3) whereby the revision petition filed on behalf of Respondent Nos. 5 to 9 was allowed.

3. It appears, the Consolidation Officer, by his order dated 9.3.1977, directed that the names of Ramanand Singh, Nankhu Singh and Rajaram Singh be recorded with respect to the land in dispute. The said order was affirmed by the Deputy Director on appeal. As stated above, by the impugned order, both the orders have been set aside. It appears, challenging that very order, father of the writ Petitioner Nankhu Singh had filed C.W.J.C. No. 1149 of 1987 which was dismissed by a Division Bench of this Court on 21.4.1987. Feeling aggrieved by the said Order Civil Appeal No. 7097 of 1987 was filed before the Supreme Court and the same was also dismissed on 23.11.1987. The present application has been filed on behalf of the son of the said Nankhu Singh. It is alleged that Shri K.P. Sinha, the Deputy Director, Consolidation, who has passed the impugned

order, had no jurisdiction to exercise powers u/s 35 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act. It is further alleged that neither the writ Petitioner nor his father was made party in the revision application.

4. It appears from the order of the Consolidation Officer that he had directed for recording the name of Nankhu Singh. Since this Petitioner was not a party before the Consolidation Officer, therefore, it was not necessary to add him a party before the revisional court. The father of the Petitioner, namely, Nankhu Singh was already a party.

5. Learned Counsel for the Petitioner then contended that this is a wrong statement that Nankhu Singh was a party before the revisional court. In my view from a bare reference to the impugned order of the Director, which has been brought on record, it appears that Nankhu Singh and others had challenged the same order before this Court in C.W.J.C. No. 1149 of 1987 and having lost there, they filed Civil appeal before the apex court which was also dismissed.

6. The learned Counsel also made endeavour to show that the Petitioner had also got share in the property. Therefore, it was necessary for the Respondents to add him party before the revisional court. I fail to appreciate such a submission particularly when the order of the Consolidation Officer was passed in favour of the father of the Petitioner and he was made a party before the revisional court.

7. I, therefore taking into consideration the facts noticed above, since this very impugned order was challenged before this Court and the writ application was dismissed and the same was affirmed by the apex court, do not see any reason to interfere with the impugned order. Accordingly, this writ application is dismissed.