
(2005) 07 PAT CK 0080
In the Patna High Court
Case No : LPA No. 415 of 2001

State of Bihar and Others

APPELLANT

Vs

Ramotar Yadav and Others

RESPONDENT

Date of Decision : 25-07-2005

Acts Referred:

Citation : (2008) 4 PLJR 443

Hon'ble Judges : C.M. Prasad, J; Barin Ghosh, J

Bench : Division Bench

Advocate : Shashi Bhushan Kumar, for the Appellant; A.K. Mukund and Rekha Mukund, for the Respondent

Final Decision : Dismissed

Judgement

Barin Ghosh & C.M. Prasad, JJ.—The only question that was raised in the writ petition was that the Deputy Directors, Consolidation, who passed the orders purporting to be u/s 35 of the Act, had no authority to act u/s 35 of the Act. Section 35 of the Act authorized the Director of Consolidation to exercise power of revision. Sub-section (2) of Section 34 of the Act authorized the Director of Consolidation to delegate his powers with the sanction of the Government in favour of any Officer not below the rank of Deputy Collector and there is no dispute that Deputy Director of Consolidation is above the rank of Deputy Collector and, accordingly, the Director of Consolidation, with the sanction of the State Government, had authority to delegate his power of revision granted by Section 35 of the Act to the Deputy Director, Consolidation.

2. In the counter-affidavit a Notification dated 9th September, 1997 was annexed in order to show that the Director, Consolidation, has delegated his power u/s 35 of the Act to two Deputy Directors, Consolidation. The Court found that such delegation was made in relation to area specified in the Notification delegating the power. The Court also found that the delegates exercised their power beyond their respective jurisdiction while dealing with the cases of the writ petitioners and, accordingly, allowed the writ petition. We, therefore, find no reason to

interfere with the judgment and order under appeal and, accordingly, the appeal is dismissed.