

Mostt Jharia Devi and ors. Vs. State of Bihar and ors.

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SooperKanoon Citation : sooperkanoon.com/133931

Court : Patna

Decided On : Nov-10-2005

Judge : Narayan Roy, J.

Acts : Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956
- Sections 35

Appeal No. : CWJC No. 1555 of 1988

Appellant : Mostt Jharia Devi and ors.

Respondent : State of Bihar and ors.

Advocate for Def. : Manoj Kumar Jha, JC to SC 1

Advocate for Pet/Ap. : Shabbir Ahmad and Anil Kumar Saxena, Advs.

Judgement :

Narayan Roy, J.

1. Heard Counsel for the parties.

2. This writ application is directed against the order, as contained in annexure 3 dated 18.01.1988, passed by the revisional authority in exercise of its power under Section 35 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 (hereafter to be referred to as 'Act').

3. It is stated at the bar that the consolidation proceeding is no more in vogue nor the parties have been affected by the order impugned.
4. However, learned Counsel for the petitioner submitted that the order passed by the revisional authority may affect the right, title and interest of the parties.
5. Till date the order impugned, as I am informed, has not been affected nor it has caused any prejudice to the respective parties.
6. In absence of the consolidation proceeding, in my opinion, the order impugned shall, in no way, affect the right, title and interest of the parties and it can only be done by the competent Civil Court, in case aggrieved party approaches it.
7. The suits, if any, filed by the parties, thus, would be adjudicated on its own merit without being prejudiced or influenced by the orders passed by the authority under the Act.
8. With the direction/observation aforesaid, this application is disposed of.