

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Praveen Kumar Mishra**

**vs.**

**State of Bihar and Others**

Civil Writ Jurisdiction Case No.902 of 2023

18 August, 2023

**(Hon'ble Mr. Justice Dr. Anshuman)**

**Issue for Consideration**

Who is the responsible Officer for Tarmim/Implementation of the direction passed by the final authority in revision case relating to consolidation matter?

**Headnotes**

Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956—Section 10(6), 35—implementation/tarmim of revisional order—petitioner sought implementation of a final order passed in a consolidation-related revision case.

**Held:** As per Notification No. 46 dated 09.01.1999, the Circle Officer-cum-Consolidation Officer of the concerned area is responsible for implementing final orders under the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956—writ disposed off with direction.**(Paras 3 to 6)**

**Case Law Cited**

NONE

**List of Acts**

Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956

**List of Keywords**

Implementation/tarmim of revisional order, final order passed in a consolidation-related revision case.

**Case Arising From**

From order dated 26.06.2023 in Civil Writ Jurisdiction Case No.902 of 2023.

**Appearances for Parties**

**For the Petitioner:** Mr. Jitendra Prasad Singh, Advocate; Ms. Sripriya Singh, Advocate.

**For the Respondents:** Mr. Sajid Salim Khan, SC-25; Mr. Arif Daula Siddique, AC to SC-25.

**Headnotes Prepared by Reporter:** Abhas Chandra, Advocate

**Judgment/Order of the Hon'ble Patna High Court**

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.902 of 2023**

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Praveen Kumar Mishra Son of Late Bansidhar Mishra, Resident of Ward No. 5, Amas, Police Station- Amas, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Revenue and Land Reforms Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Gaya.
3. The Director Consolidation, Bihar, Patna.
4. The Joint Director, Consolidation, Magadh Division, Gaya.
5. The Deputy Director Consolidation, Gaya.
6. The Incharge Officer, District Record Room, Gaya.
7. The Anchal Adhikari-cum-Consolidation Officer, Amas, District- Gaya.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Advocate Ms. Sripriya Singh, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, SC-25 Mr. Arif Daula Siddique, AC to SC-25

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL JUDGMENT**

**Date : 18-08-2023**

Learned counsel for the State seeks permission to file hard copy of the counter affidavit in the Court, which is accepted and kept on record.

2. Learned counsel for the petitioner and learned counsel for the State are present.

3. Vide order dated 26.06.2023 it has been ordered to the counsel for the State to file a counter affidavit at the level of the Principal Secretary, Revenue and Land Reforms to ascertain that who is the responsible Officer for



*Tarmim*/Implementation of the direction passed by the final authority in revision case relating to consolidation matter.

4. The Principal Secretary, Revenue and Land Reforms has executed affidavit. In paragraph-8 of the counter affidavit, the answer of Principal Secretary, Revenue and Land Reforms is as follows:

*“ That to answer the specific question raised by the Hon’ble Court pertaining to the powers of Tarmim/Implementation, it is humbly submitted and stated that the concerned Circle Officer of the area is vested with the power of the Consolidation Officer, who in turn shall carry out implementation of any order passed by the revisional authority which has attained finality under the Bihar Consolidation of Holdings and Prevention of Fragmentation act, 1956. The said arrangement flows out of the above mentioned Notification No. 46 dated 09.01.1999.”*

5. In view of the specific answer at the level of Principal Secretary of the Revenue and Land Reforms, it is the Consolidation Officer-cum-Circle Officer of the area is responsible to implement/*Tarmim* the decision, which has



attained finality under the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956.

6. In this background, the present writ petition is disposed off directing the respondent no. 7 to implement the order passed by the authority on being satisfied that it acquires finality.

**(Dr. Anshuman, J.)**

ravishankar/-

AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	22.08.2023
Transmission Date	N.A.

