

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6273 of 1995

- =====
1. Most. Hadisa Khatoon, wife of Late Sagir Ansari
 2. Bibi Zarina Khatoon, daughter of Late Sagir Ansari
 3. Bibi Rajoon Khatoon, daughter of Late Sagir Ansari
 4. Md. Mansoor Ansari, son of Late Sagir Ansari
 5. Raish Ansari, son of Late Sagir Ansari
 6. Sarif Ansari, son of Late Sagir Ansari
- All resident of village – Basaithi, P.S. – Bausi (Raniganj), district – Araria.

.... Petitioners

Versus

1. The State of Bihar
 2. The Collector, Araria
 3. The Additional Collector, Araria
 4. The Deputy Collector, Land Reforms, Araria.
 5. Md. Hamidur Rahman, son of Late Kutubuddin.
 6. Hasibur Rahman
 7. Hadikur Rahman
- Both sons of Md. Hamidur Rahman.
- Respondent nos. 5 to 7 are resident of village – Basaithi, P.S. - Bausi (Raniganj), district – Araria.

.... Respondents

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL JUDGMENT

Date: 14-05-2015

Heard learned counsel for the petitioners and learned counsel for the State.

2. The original petitioner had claimed to be Bataidar in respect of lands of respondent nos. 5, 6 and 7. He filed an application before the authorities to declare him as Bataidar which was done, but thereafter, in appeal, in the year 1995, i.e. 20 years back, the order declaring the original writ petitioner as

Bataidar was set aside. It is that order that is being challenged before this court directly.

3. There is a counter affidavit by the private contesting respondents which has brought on record the evidence of original writ petitioner himself in one Title Suit in relation to the same land wherein original writ petitioner has admitted that he is not in cultivating possession of the said land. In proceedings under Section 144 of Cr.P.C. also, police enquired into the matter and disclosed that it was the private respondents who are in cultivating possession of the land.

4. Considering the aforesaid facts and the fact that original petitioner has not been in cultivating possession for the last twenty years, it will not be proper for this Court to interfere in the matter at this stage. That being so, the writ petition merits no consideration and is dismissed accordingly.

(Navaniti Prasad Singh, J.)

Rajeev/-

U			
---	--	--	--