

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12367 of 1992

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1. Krishna Nandan Singh son of Sheo Shankar Singh
 2. Ram Chandra Singh son of Nago Singh
 3. Rachcho Singh @ Raghu Nandan Pd. Singh son of Nago Singh
All resident of village Manjhaul, P.S. Cheria Bariarpur, District-Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Begusarai
3. D.C.L.R., Begusarai, Now D.C.L.R., Manjhaul
4. S.D.O. Begusarai, now S.D.O. Manjhaul
5. Sharvan Yadav son of Ram Padarath Yadav
6. Jhojhai Yadav son of Sri Bishundeo Yadav
Both residents of village Sakra, P.O. Rajaur, P.S. Garhpura, District-Begusarai
7. Rannu Yadav son of Mani Lal Yadav, resident of village Rajaur, (Sakra) P.O. Rajaur, P.S. Garhpura District Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Sharma

For the Respondent/s: Mr. Niranjan Kumar, A.C. to G.P.-27

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 30-03-2015

This is an application for seeking quashing of the order of the Collector, Begusarai dated 03.07.1992 passed in Revenue Appeal No. 18/92 (Sharvan Yadav Vs. Krishan Nandan Singh) whereby the Collector has allowed the appeal of the appellant (private respondent) and has remanded the case to the Court of learned Sub-Divisional Officer for disposal. Despite service of notice upon the private Respondents, they have not filed any counter affidavit.

From the pleadings in the writ applications, it appears that

Respondent No. 5 to 7 had filed Bataidari Case under Section 48-E of the Bihar Tenancy Act in the Court of D.C.L.R., Begusarai which was numbered as Bataidari Case No. 26, 27 and 29 respectively of 1990-91. The D.C.L.R., however, rejected the petition by an order dated 10.06.1992. The Respondents No. 5 to 7 thereafter, preferred appeal before the Collector, Begusarai giving rise to Revenue Appeal No. 18/92. The Collector, Begusarai, vide his order dated 03.07.1992, allowed the appeal and remanded the case back to the Sub-divisional Officer for proper disposal.

It is the plea on behalf of the petitioners that they are the land holders and the impugned order dated 03.07.1992 was passed without even giving notices to them. As has been noted above, no counter affidavit has been filed on behalf of the Respondents, therefore, there is no denial of the fact that no notice was issued to the petitioners by the Appellate Authority for passing the impugned order dated 03.07.1992.

The order dated 03.07.1992, passed by the Collector, Begusarai cannot, therefore, be sustained as is accordingly quashed.

This application is allowed.

(Chakradhari Sharan Singh, J.)

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