

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7129 of 1996

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Raghunath Prasad Singh Singh, son of Late Govind Prasad Singh, resident of
Village- Pahleza, Police Station- Mahandia, District- Jehanabad.

.... Petitioner.

Versus

1. The State of Bihar
 2. The Sub-Divisional Officer, Jehanabad
 3. The Sub-Divisional Officer, Arwal
 4. Sudheshwar Ram @ Sidheshwar Ram, son of Late Mahadev Ram.
 5. Jdagir Ram, son of Sarwari Ram.
 6. Arjun Ram, son of Nathuni Ram.
 7. Jugeshwar Ram, son of Late Ram Jatan Ram
- Respondent nos. 4 to 7 are residents of Village- Pahleza Tola Madhusharma
Chowki, Police Station- Mahandia, District- Jehanabad

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Advocate

Mr. Mithilesh Mowar, Advocate

For the Respondent/s : Mrs. Nivedita Nirvikar, G.A.-10

Mr. Manoj Kumar, AC to G.A.-10

For respondent nos. 4 to &: Mr. Ravindra Kr. Shukla, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH**

ORAL JUDGMENT

Date: 30-04-2015

The petitioner seeks quashing of the order dated 24.02.1996
passed by the Sub-Divisional Officer, Arwal in B.T. Case Nos. 3 of
1993-94/14 of 1995-96, 4 of 1993-94/15 of 1995-96, 10 of 1994-
95/10 of 1995-96 and 9 of 1994-95/9 of 1995-96.

2. The petitioner is land owner, whereas the respondents
claimed to be the Bataidar/under Raiyat. The respondents filed a case
under section 48E of the B.T. Act. The Dy. Collector, Land Reforms,
who was Collector under the Act, dismissed the case holding it not to
be bonafide dispute between the parties.



3. Being aggrieved, the respondents filed an appeal before the Collector which was allowed vide common order dated 12.09.1991. The land owners filed C.W.J.C. No.7105 of 1991 and other analogous cases. It is relevant to state herein that the respondent Bataidar too filed writ application being C.W.J.C. No. 5917 of 1992 (Jageshwar Ram & Ors vs. State of Bihar & Ors) against original order of D.C.L.R. dismissing their Bataidari Case under section 48E of the Act on the ground of there being lack of bonafide dispute.

4. All the writ petitions, including both filed by land owner and the Bataidars came to be heard and decided on 03.08.1992. The writ application of the land owners bearing C.W.J.C. No.7105 of 1991 and analogous cases were allowed and the order of District Collector was set aside on merit.

5. It appears that even after disposal of C.W.J.C. No. 5917 of 1992, the Bataidar started second round of litigation by filing Bataidari Case (12 in numbers) in the year 1994-95. The Sub-Divisional Officer vide order dated 24.02.1996 on the application of the respondent Bataidar, once again started proceeding under Section 48-E of the Bataidari Act.

6. The second writ application, namely, C.W.J.C. No. 11277 of 1996 and C.W.J.C. No. 6980 of 1996 were preferred by the land owners against the common impugned order dated 24.02.1996,

passed in similar Bataidari cases starting a proceeding under Section 48-E of the Act, which was allowed for the reasons mentioned therein.

7. The subject matter of this writ application is similar to the subject matter of C.W.J.C. No. 11277 of 1996 and C.W.J.C. No. 6980 of 1996.

8. For the reasons mentioned in order dated 23.04.2015, passed in C.W.J.C. No. 11277 of 1996 and C.W.J.C. No. 6980 of 1996, this writ application too is allowed. The order passed by the Sub-Divisional Officer, Arwal in B.T. Case Nos. 3 of 1993-94/14 of 1995-96, 4 of 1993-94/15 of 1995-96, 10 of 1994-95/10 of 1995-96 and 9 of 1994-95/9 of 1995-96 is set aside, with liberty to the petitioner to file regular suit before the competent civil court in accordance with law.

9. With the aforesaid observation, this writ petition is allowed.

(Samarendra Pratap Singh, J.)

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