

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10242 of 1997

Kusheshwar Rajak & Ors

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

Appearance :

For the Petitioner/s : None

For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 23-04-2015

Petitioners have challenged the order passed by the respondent Sub-Divisional Officer, Dhamdaha, Purnea in Case No. 7/1996-97. The writ petitioner approached the Circle Officer, for granting them status of raiyat under Section 48D of the Bihar Tenancy Act on the ground that during revisional survey, name of their father was recorded as *Sikmidar*. The application gave rise to Case No. 212/1993-94/234/1995-96 on the file of the Circle officer. By order dated 28.2.1996, the Circle Officer rejected the said claim. Dissatisfied therewith, the writ petitioner(s) filed appeal. The Appellate Court, like the original Court noticed that the Revisional Survey Entry was challenged by the father of the respondents in Civil Court vide T.S. No. 389 of 1959 which was allowed and the *sikmi* entry of the father of the petitioner was nullified. It was thus held that based on such entry in the revisional survey record, no claim can be

made for recording the status of raiyat under Section 48D of the Act. The Court also did not find possession of the petitioner over the land. The said order has been impugned in the present writ application.

I have gone through the order passed by the Sub-Divisional Officer. Adequate reasons have been assigned for rejecting the prayer of the petitioner. This Court does not find any patent illegality/infirmity in the said order meriting interference. There is no procedural flaw either in passing the said order by the Sub-Divisional officer which was passed after due hearing.

In the result, the writ application fails. It is, accordingly, dismissed.

(Kishore Kumar Mandal, J)

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