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1(ii) Sa
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residen
2. Gop
Tola- T

1. The
2. The
3. The

1(ii) Samjit Kumar Mahto

1(iv) Amarjeet Kumar Mahto, 1(ii) to 1(iv) are sons of Late Sudhir Mahto, resident of village- Dumariya, Tola- Tirasi, P.S.- Mansahi, District- Katihar.

.... Petitioners

1. The State of Bihar.

3. The Addl. Collector, Land Reforms, Katihar.

5(i) Santolo Devi, wife of Late Basudeo Choudhary

5(iii) Rajiv Choudhary

5(v) Rajiya Devi

5(vii)Sito Devi

.... Respondents

In C.W.J.C. No.3571 of 2003 as well as C.W.J.C. No.892 of 2004 both have been listed together in view of the order dated 25.8.2009.

As per claim of the petitioner in C.W.J.C.892 of

2004, homestead purcha has been issued in favour of the respondent nos.4 and 5, who are the petitioners in C.W.J.C. No.3571 of 2003 for the same set of land.

None appears on behalf of the petitioners in C.W.J.C. No.3571 of 2003. It appears from the order sheet that on the last occasion also, none had appeared to press this application when the matter was called out.

As a result, due to repeated absence of the counsel for the petitioners, this writ application is dismissed for want of prosecution. So far the show cause notice issued vide order dated 27.8.2009 is concerned, the respondents have filed affidavit submitting that the petitioners are un-necessary harassing them by filing several cases including the complaint cases. Only due to the fact that cognizance has been taken in a complaint case, one should not be held guilty of contempt of this Court. In fact it has been stated that the respondent no.5 has purchased 31 decimals of the land in question from respondent no.4 in 1999 and rest of the land was purchased in the name of wife of respondent no.5. After purchase, possession was delivered to them and since then respondent no.5 is in cultivating possession of the land in question. Jamabandi was also created in the name of purchaser and they are paying rent to the State of Bihar so the respondent no.5

has not violated the order of maintaining status quo. The respondent no.5 has not cut away or severed any tree after the order dated 2.7.2004 passed by this Court.

Since the case itself has been dismissed as the petitioners are not being represented, this issue is not required to be decided.

In the aforesaid facts and circumstances, C.W.J.C. No.892 of 2004 would be considered separately.

(Dr. Ravi Ranjan, J)

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