

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.652 of 2000

- =====
1. Mahesh Chandra Verma, son of Late Raghunandan Prasad Verma.
 2. Naresh Chandra Verma, son of Late Raghunandan Prasad Verma.
 3. Suresh Chandra Verma, son of Late Raghunandan Prasad Verma
 4. Smt. Lalita Devi, wife of Late Raghunandan Prasad Verma
 5. Smt. Raj Kumari Verma, wife of Late Abinash Chandra Verma.
 6. Anjani Kumar Mukul, Son of Late Abinash Chandra Verma
 7. Arunesh Chandra Verma, Son of Late Abinash Chandra Verma
 8. Sita Devi, wife of Indradeo Rai
 9. Sushila Devi, wife of Laxman Rai
 10. Devanti Devi, wife of Sakaldeo Rai.
- All residents of Village- Bahadurpur, P.S. Goraul, District- Vaishali
- Petitioners

Versus

1. The State of Bihar
 2. The Sub-Divisional Officer, Mahua, District- Vaishali
 3. The Anchal Adhikari, Goraul, District- Vaishali.
 4. Ram Bricha Rai, Son wife of Sakaldeo Rai, resident of Village- Bahadurpur (North side of Village), P.S. Goraul, District- Vaishali.
- Respondents
- =====

Appearance :

For the Petitioner/s :

For the Respondent/s :

Mr. (GP2)

Mr. Mahesh Prasad-2

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 02-07-2015

No one appears for the petitioners.

Counsel for the State is present.

The petitioners prayed for quashing of the order dated 18.11.1999 passed by the Sub-Divisional Officer, Mahua, Vaishali in Bataidari Appeal No. 02 of 1998, whereby order dated 02.07.1998, passed by the Circle Officer, Goraul in Bataidari Case No. 1 of 1998-

99 under Section 48 D of B.T. Act has been affirmed.

The petitioners have challenged the impugned order on the ground of not having been provided reasonable opportunity to place their cases. They stated that notice was sent to only petitioner no.1 whereas no notice was sent to the other petitioners, who had equal interest in the land. It is further alleged that respondent no.4 made a dead man as a party.

In the facts and circumstances of the case, the impugned order dated 18.11.1999 passed by the Sub-Divisional Officer, Mahua, Vaishali in Bataidari Appeal No. 02 of 1998 is set aside and the matter is remitted to Sub-Divisional Officer, Mahua, Vaishali for hearing the matter afresh after giving due opportunities to the parties concerned.

In the result, this application is allowed to the extent mentioned above.

(Samarendra Pratap Singh, J.)

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