

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10532 of 2000

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Sahaja Nand Sahni son of Bulaki @ Bullak Sahni, resident of village-
Rahimpur, P.S. Khagaria (M), District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Khagaria.
3. The Additional Collector, Khagaria.
4. The Deputy Collector Land Reforms (D.C.L.R.) Khagaria.
5. The Circle Officer (Anchal Adhikari) Khagaria.
6. Ram Chandra Chaudhary son of late Devi Chaudhary.
7. Chando Singh @ Chano Singh son of Siya Ram Singh, both resident of
Rahimpur, Tola Sonbarsa, P.S. Khagaria(M), District- Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Respondent/s : Mr. Amresh, AC to SC 11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

10 04-08-2015 The petitioner has filed the present application under Article 226 of the Constitution of India assailing the validity and correctness of order dated 28.12.1964 (Annexure-8) passed in Case No. 1 of 1962-63 by the respondent Circle Officer (Anchal Adhikari), Khagaria, whereby Jamabandi has been created in favour of the private respondents with respect to the lands bearing khata no.1220, Khesra No. 1233, situate at village Rahimpur, P.S. Khagaria, District- Khagaria.

The present writ petition was filed on 20.10.2000 after delay of about 36 years. No valid explanation has been furnished by the petitioner for approaching this Court after unusual and long delay of about 36 years.

In the counter-affidavit filed on behalf of the respondent no. 2 to 5 claim of the petitioner with respect to the lands in question has been disputed and it has been asserted that neither the

lands in question was in possession of the writ petitioner or his ancestors nor Jamabandi was running in their names. The facts stated in the aforesaid counter-affidavit have not been controverted by the writ petitioner by filing any rejoinder affidavit.

From examination of the record this Court finds that the respondent no.7, the main contesting party, died prior to the year 2005. By order dated 18.01.2005 three weeks' time was granted to the petitioner's counsel for filing substitution petition vice deceased respondent no.7. Once again by order dated 10.02.2005, petitioner was granted two weeks' further time for filing substitution petition with respect to the deceased respondent no. 7. Aforesaid order was peremptory in nature. The aforesaid orders have not been complied with till date, which was noticed in the order dated 17.07.2015 and again on 27.07.2015 by a Bench of this Court.

From the facts noticed above, it is apparent that the writ petition suffers from delay and laches of about 36 years and furthermore, in view of its abatement/dismissal vice deceased respondent no.7, it has become incompetent and cannot proceed further.

In the aforesaid facts and circumstances, this Court has no option but to dismiss the writ petition.

Accordingly, the writ petition stands dismissed.

(Birendra Prasad Verma, J)

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