

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1912 of 2000

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Asharfi Yadav, Son of Late Mushaharu Yadav, resident of Deviganj, Police Station- Narpatganj, District- Araria.

.... Petitioner

Versus

1. The State of Bihar
 2. The Sub-Divisional Officer, Forbesganj, District- Araria.
 3. The Circle Officer, Narpatganj, District- Araria.
 4. Gobardhan Paswan, son of Late Domi Paswan.
 5. Jeevdhann Pawan, son of Late Domi Paswan
 6. Ram Nand Paswan, son of Late Domi Paswan
- All residents of Village- Koskapur, Khirbanna, P.O. Koskapur, Police Station- Narpatganj, District- Araria.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. CHANDRA BHUSHAN DAS

For the Respondent/s : Mr. (GP2)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 02-07-2015

No one appears on behalf of the petitioner.

Counsel for the State is present.

The petitioner prays for quashing the order dated 13.06.1995, passed by the Circle Officer, Narpatganj in case no. 2/92-93 (Annexure-2) and order dated 27.06.1998 passed by the Sub-Divisional Officer, Forbesganj in Appeal No. 27 of 1995-96 (Annexure-3).

The main grievance of the petitioner is that the order allowing the Batai Appeal is in teeth of the judgment passed by the competent civil court in Title Suit No. 543 of 1963 / 1438 of 1973

under Section 109 of the B.T. Act against the survey entry.

It is the case of the petitioner that the suit was decreed in favour of his father vide judgment dated 05.12.1973.

In the facts and circumstances of the case, the order passed by the courts below are set aside and the matter is remitted to Sub-Divisional Officer, Forbesganj, Araria (respondent no.2), who would consider the matter afresh.

This application is allowed to the extent mentioned above.

(Samarendra Pratap Singh, J.)

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