

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.652 of 2007

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Birendra Sahu, son of Sri Ram Sahu, resident of village + P.O. Jafara, P.S. Bisfi, District-Madhubani

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, Madhubani, District-Madhubani
3. The Deputy Collector Land Reforms, Benipatti, District- Madhubani
4. The Sub Divisional Officer, Benipatti, District- Madhubani
5. The Anchal Adhikari, Bisfi, District- Madhubani
6. Janak Sada, son of Chhathu Sada (expunged)
- 6(a) Paswan Sada, son of Janak Sada , resident of village- Jafaram P.O. Jafara, P.S. Bisfi, District-Madhubani
- 6(b) Jagtara Devi, wife of Rameshwar Sada and daughter of Late Janak Sada, resident of Village+ Ektara, Bhaya-Arer Hat, P.S. Arer, Block- Benipatti, District- Madhubani
- 6(c) Savita Devi, D/O Late Janak Sada W/O Hari Sada, R/o Vill- Rajgram, Bhaya Lohat, P.S.+ Block Pandaul, District- Madhubani

.... Respondents

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With

Civil Writ Jurisdiction Case No.1109 of 2007

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Birendra Sahu Birendra Sahu, son of Sri Ram Sahu, resident of village + P.O. Jafara, P.S. Bisfi, District-Madhubani

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, Madhubani, District-Madhubani
3. The Deputy Collector Land Reforms, Benipatti, District- Madhubani
4. The Sub Divisional Officer, Benipatti, District- Madhubani
5. The Anchal Adhikari, Bisfi, District- Madhubani
6. Garbhu Sada son of Late Lalji Sada (expunged)
- 6(a) Halkhori Sada, son of Late Garbhu Sada, resident of village- Jafara, P.O. Jafara, P.S. Bisfi, District- Madhubani

.... Respondents

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Appearance :

(In CWJC No.652 of 2007)

For the Petitioner/s : Mr. Yugal Kishore
Mr. Nand Kishore Singh

For the Respondent/s : Mr.

(In CWJC No.1109 of 2007)

For the Petitioner/s : Mr. Yugal Kishore
Mr. Nand Kishore Singh

For the Respondent/s : Mr.



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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

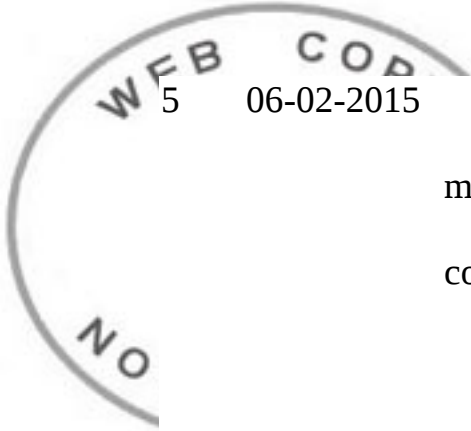
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Since in both writ petitions similar prayer has been made, they were heard together and are being disposed of by common order.

Learned counsel for the petitioner submits that the order under challenge disposed of number of Bataidari cases. Altogether 19 Bataidari cases were disposed of by common order and by common order; appeals were dismissed by the Collector, Madhubani.

In the present writ petition, a prayer has been made for quashing the order dated 24.06.2005/27.06.2005 passed by the Collector, Madhubani in Bataidari Appeal No.14/2004-05, whereby 19 Bataidari appeals were rejected, which were preferred against the order passed by the Sub Divisional Officer- cum-Bataidari Magistrate, Benipatti in Bataidari Case no.33/93-94/17/2003-04. The Sub Divisional Officer-cum-Bataidari Magistrate, Benipatti allowed all 19 (nineteen) Bataidari cases.

It has been prayed that against the order of the Sub Divisional Officer as well as order of the Collector, Madhubani, earlier number of writ petitions were filed and about nine writ petitions were disposed of by order dated 23.12.2013 passed in



C.W.J.C.No.507 of 2007 and other connected writ petitions. By the said order, the writ court set aside the impugned orders and allowed the writ petitions remitting back the matters to the sub Divisional Officer, Benipatti with a direction to constitute a Board afresh, who shall proceed to dispose of Bataidari cases in question in accordance with law after hearing the contesting parties.

In this case, earlier notice was issued to private Respondent/s, however despite valid service of notice, they have preferred not to appear. Learned State Counsel accepts that other writ petitions have already been allowed. Accordingly, both aforesaid writ petitions are allowed in terms of order dated 23.12.2013 passed in C.W.J.C.No.507 of 2007 and connected writ petitions.

(Rakesh Kumar, J)

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