

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15304 of 2012

=====

1. Meghu Das S/O Lakshman Das, resident of Village- Sahiyar Buri, P.S- Rosera, District- Samastipur.

2. Binde Das S/O Lakshman Das, resident of Village- Sahiyar Buri, P.S- Rosera, District- Samastipur.

3. Kiro Das S/O Late Bhola Das, resident of Village- Sahiyar Buri, P.S- Rosera, District- Samastipur.

4. Jahuri Das S/O Late Bhola Das, resident of Village- Sahiyar Buri, P.S- Rosera, District- Samastipur.

5. Ratto Das S/O Late Bhola Das, resident of Village- Sahiyar Buri, P.S- Rosera, District- Samastipur.

6. Mushi Das S/O Late Bhola Das, resident of Village- Sahiyar Buri, P.S- Rosera, District- Samastipur.

7. Chhabbu Das S/O Late Bhola Das, resident of Village- Sahiyar Buri, P.S- Rosera, District- Samastipur.

8. Satto Das S/O Late Bhola Das, resident of Village- Sahiyar Buri, P.S- Rosera, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar.

2. The Deputy Collector Land Reforms, Rosera, Samastipur.

3. The Circle Officer, Rosera, Samastipur.

4. Mahanth Deepak Das @ Deep Narayan Das S/O Late Mahanth Thakur Das, resident of Kabir Ashram, Rosera, Ward No. 13, P.S- Rosera, District- Samastipur.

5. Ashok Kumar Mahto S/o Sri Surya Narayan Mahto, R/o Mohalla- Laxmipur, P.O.- Rosera, P.S.- Rosera, District- Samastipur

6. Smt. Punam Prakash Mahto, W/o Sri Ashok Kumar Mahto, R/o Mohalla- Laxmipur, P.O.- Rosera, P.S.- Rosera, District- Samastipur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Bhubneshwar Prasad, Advocate
Mr. Manoj Kumar, Advocate

For the Respondent Nos. 1 to 3 : Mr. Suresh Kumar, AC to GP 5

For the Respondent no.4 : Mr.B.K.Mishra, Advocate

For the Respondent Nos. 5 & 6 : Mr.Vivekanand Prasad Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 08-10-2015

Heard the parties.

2. The petitioners have filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondent no.3- the Circle Officer, Rosera, Samastipur to dispose of their petition filed on 21.09.2010 for the purposes of creation of jamabandi in their names as also for issuance of rent receipt in their favour with respect to lands in question.

3. Learned counsel appearing on behalf of the petitioners submits that, in fact, aforesaid petition dated 21.09.2010, which has been brought on record as Annexure-5 to the writ petition, was filed on behalf of the petitioner no.3, but the matter has not been disposed of as yet by the respondent Circle Officer. It is pointed out that the petitioner nos. 4 to 8 are the full brothers of petitioner no.3 and petitioner nos. 1 and 2 are his cousins, who also have their claims with respect to lands in question; therefore, they have joined together in the present writ petition for grant of identical relief.

4. The present writ petition, in fact, was finally disposed of by a Bench of this Court by an order dated 27.08.2012 with certain directions. However, newly added respondent nos. 5 and 6 herein, being aggrieved by the aforesaid order dated 27.08.2012, preferred LPA No. 475 of 2013 which was finally disposed of by a Division Bench of this Court by order dated 22.11.2013 and the order dated 27.08.2012 passed by the learned single Judge of this Court was held to be not sustainable. Accordingly, matter was remitted back for deciding the present writ petition afresh on merits, after giving an opportunity of hearing to the parties.

5. In the light of the aforesaid order dated 22.11.2013 passed in LPA No. 475 of 2013, the present writ petition was revived and now all the parties are represented through their counsel.

6. Learned counsel appearing on behalf of the respondent nos.5 and 6, by referring to the averments made in the counter affidavit filed on their behalf, submits that the claim of the petitioners regarding lands in question is based on forged and fabricated documents and therefore, their claim is fit to be rejected outrightly. It is pointed out that till date, the assertions

made in the aforesaid counter affidavit has not been controverted by the petitioners by filing any rejoinder affidavit.

7. A separate counter affidavit on behalf of the respondent no.3 has been filed today during the course of hearing of the case, after service of its copy upon the learned counsel appearing on behalf of the petitioners as also other respondents. In the aforesaid counter affidavit it has been asserted that on the basis of petition filed by the petitioner no.3, Rent Fixation Case No. 94/1 of 2013-14 was registered by the respondent Anchal Adhikari, Rosera and after considering the entire facts, the same was rejected by order dated 08.01.2014. The ordersheet of the aforesaid rent fixation case has been brought on record as Annexure-B/3 to the aforesaid counter affidavit.

8. At this stage, in the aforesaid factual background, the learned counsel appearing on behalf of the petitioners seeks permission to withdraw the present writ petition with a liberty to approach the competent authority for grant of appropriate relief.

9. Learned counsel appearing on behalf of the respondent nos. 5 and 6 has strongly opposed the aforesaid prayer, as according to him, claim of the petitioners is based on forged and fabricated documents.

10. Be that as it may, since the grievance raised on behalf of the petitioners in the present writ petition has already been redressed and the petition filed on their behalf has also been disposed of, therefore, cause of action does not survive.

11. The writ petition is, therefore, dismissed as infructuous. However, the parties are left to bear their own costs.

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--