

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20182 of 2012

- =====
1. Sattan Yadav S/O Late Prasad Yadav R/O Village- Bhabhata Gopalpur, P.S.- Sathi, District- West Champaran at Bettiah
 2. Hajari Yadav S/O Sattan Yadav R/O Village- Bhabhata Gopalpur, P.S.- Sathi, District- West Champaran at Bettiah
 3. Papu Yadav S/O Hazari Yadav R/O Village- Bhabhata Gopalpur, P.S.- Sathi, District- West Champaran at Bettiah
 4. Prem Narayan Yadav S/O Sattan Yadav R/O Village- Bhabhata Gopalpur, P.S.- Sathi, District- West Champaran at Bettiah
 5. Nag Narayan Yadav S/O Sattan Yadav R/O Village- Bhabhata Gopalpur, P.S.- Sathi, District- West Champaran at Bettiah
 6. Sachchu Yadav S/O Prem Narayan Yadav R/O Village- Bhabhata Gopalpur, P.S.- Sathi, District- West Champaran at Bettiah
 7. Parmanand Prasad Singh S/O Babu Ranjan Singh R/O Village- Rampur, P.S. Sikarpur, District- West Champaran at Bettiah
 8. Smt. Sarda Devi W/O Ramanand Singh R/O Village- Rampur, P.S. Sikarpur, District- West Champaran at Bettiah
 9. Umeshwar Prasad Singh S/O Ramanand Singh R/O Village- Rampur, P.S. Sikarpur, District- West Champaran at Bettiah
 10. Mukesh Singh S/O Ramanand Singh R/O Village- Rampur, P.S. Sikarpur, District- West Champaran at Bettiah

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary
2. The Collector, West Champaran
3. The Additional Collector, West Champaran
4. The Land Reforms Deputy Collector, Narkatiyaganj, West Champaran
5. The Anchala Adhikari, Narkatiyaganj
6. Raghuraj Prasad Singh S/O Bishambhar Prasad R/O Village- Siswa Ratna, P.S.- Kalyanpur, District- West Champaran, at present Village- Bhatha Gopalpur, P.S. Sikarpur, District- West Champaran at Bettiah
7. Nagendra Prasad Singh S/O Bishambhar Prasad R/O Village- Siswa Ratna, P.S.- Kalyanpur, District- West Champaran, at present Village- Bhatha Gopalpur, P.S. Sikarpur, District- West Champaran at Bettiah
8. Kameshwar Prasad Singh S/O Madhusudan Singh R/O Village- Siswa Ratna, P.S.- Kalyanpur, District- West Champaran, at present Village- Bhatha Gopalpur, P.S. Sikarpur, District- West Champaran at Bettiah

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vinod Gautam, Advocate
For the Respondent Nos.1 to 5 : Mrs. Archana Prasad, AC to SC 16
For the Respondent Nos. 6 & 7: Ms.Vagisha Pragya Vacaknavi, Advocate
Mr.Binod Kumar Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 09-10-2015

Heard the parties.



The matters at issue are different orders passed in several and separate mutation proceedings brought by the private respondents. The petitioners, being aggrieved by those orders, filed their separate mutation appeals before the respondent DCLR, Narkatiaganj, which all were dismissed by separate orders. Thereafter, the petitioners, still being aggrieved by those orders, filed their separate mutation revision applications before the respondent Additional Collector, West Champaran, Bettiah, which all were decided and finally dismissed separately. This Court is of the opinion that by filing one writ petition orders passed in different proceedings cannot be permitted to be challenged.

In above view of the matter, the learned counsel appearing on behalf of the petitioners is permitted to confine the present writ petition only with respect to petitioner no.1 Sattan Yadav and the orders passed only with respect to the lands claimed by him. So far as the petitioner nos. 2 to 10 are concerned, the writ petition filed on their behalf is permitted to be withdrawn with a liberty to them either to file separate fresh writ petitions on behalf of each petitioners separately in the same subject matter or they may separately approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief (s) with respect to the lands under dispute claimed by them separately as also with respect to the orders passed by the revenue authorities.

Learned counsel appearing on behalf of the respondent nos. 6 and 7 submits that she has received instruction that the respondent no.8 has died during pendency of the present writ petition. However, no such statement has been made on behalf of the petitioner or has filed any substitution petition.

Learned counsel appearing on behalf of the petitioner submits that he has no instruction about the death of the respondent no.8. Therefore, if fresh writ petitions are filed on behalf of the petitioner nos. 2 to 10 or they approach the learned Bihar Land Tribunal, Patna, then they shall be entitled to implead the heirs and legal representatives of the respondent no.8, if he is found to have died.

Now, coming to the surviving writ petition on behalf of the petitioner no.1 alone, learned counsel appearing on his behalf, after some argument, in presence of learned counsel appearing on behalf of the respondents, seeks permission to withdraw the present writ petition (only with respect to petitioner no.1 Sattan Yadav) with a liberty to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief (s) with respect to the lands under dispute, as also with respect to the order impugned in the present proceeding, after bringing on record all the necessary parties including the heirs of the respondent no.8, if he is found to have died during the pendency of the present writ petition.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

The parties shall be at liberty to raise all the issues of facts and law before the learned Bihar Land Tribunal, Patna, which may be available to them.

If an appropriate petition is filed on behalf of the petitioner no.1 Sattan Yadav before the learned Bihar Land Tribunal, Patna within a period of six weeks from today with a certified copy of the present order and if it is found to have

become barred by limitation and if any petition is filed on behalf of the petitioner no.1 for condonation of such delay, then the learned Bihar Land Tribunal, Patna shall take into consideration that on a bona fide legal advice, the present writ petition was filed before this Court on 18.10.2012 and that remained pending till date.

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--