

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5219 of 2012

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Raghvendra Laldas S/O Late Laxmi Narain Lal Das, Resident Of Village -
Achalpur, P.S.- Bahera, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land and Revenue Reforms Department, Govt. of Bihar, Patna
2. The District Magistrate-Cum-Collector, Darbhanga
3. The Additional Collector, Darbhanga
4. The Deputy Collector, Land Refomrs Department, Darbhanga
5. The Circle Officer, Land Reforms Department, Darbhanga
6. Hare Ram Mishra S/O Late Ram Chandra Mishra, Resident of Village - Sri Rampur Tola, Obrahimpur, P.S.- Bahera, District- Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Karn

For the Respondent No.1 to 5: Mr. Rajesh Kumar, GP-21

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 10-02-2016 Heard the learned counsel appearing on behalf of the petitioner and the learned State counsel appearing on behalf of the respondent no.1 to 5. However, none appears on behalf of the respondent no. 6 despite valid service of notice upon him.

The petitioner is essentially aggrieved by the order dated 18.07.1996 passed by the Additional Collector, Darbhanga in Mutation Appeal Case No. 25 of 1979-80, as contained in Annexure-9, whereby the aforesaid appeal filed on behalf of the father of the petitioner late Laxmi Narain Lal Das was dismissed and the original order dated 17.09.1979 passed by the D.C.L.R., Sadar, Darbhanga, was affirmed. In the light of the aforesaid order, the respondent Anchal Adhikari, Manigachhi has issued correction slip on 11.02.2006, which has been brought on record as Annexure-12.

Apparently, against the final order dated 18.07.1996 the father of the petitioner did not move before the higher forum/court

for assailing the aforesaid appellate order and the present writ petition was filed by the son of the original appellant on 16.03.2012 i.e. after delay of about 16 years.

In view of delay and laches on the part of the petitioner or his father, this Court does not find any good ground to interfere with the aforesaid order dated 18.07.1996 (Annexure-9). The Circle Officer was obliged to issue correction slip in compliance of the order of the respondent Additional Collector. In that view of the matter, the present writ petition is dismissed. However, the petitioner shall be at liberty to approach the civil court of competent jurisdiction for declaration of his right, title and possession over the lands in question.

If such a civil suit is filed on behalf of the petitioner within a period of three months from today, after impleading all the necessary parties, then the same shall be considered and decided on its own merits without being prejudiced by dismissal of the present writ petition.

(Birendra Prasad Verma, J)

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