

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5432 of 2016

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Basant Lal Sah son of Domai Sah, resident of Pipra , PS Jogbani District Araria.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Sub Divisional Officer, Farbisganj District Araria.
3. The Circle Officer, Farbisganj District Araria.
4. Raghu Rishidev son of Bachan Rishidev
5. Dhalo Rishidev son of late Bachan Rishidev
6. Most. Savitri Devi wife of late Sukal Rishidev
7. Lakshman Rishidev son of late Khushar Rishidev
8. Buddhu Rishidev son of late Khushar Rishidev
9. Ganesh Rishidev son of late Khushar Rishidev
10. Most. Kari Devi wife of late Sayush Rishidev
11. Most. Guddi Devi wife of late Sukhi lal Rishidev null
12. Likhni Rishidev son of Rabbi Mushar
13. Bikram Rishidev son of Rabbi Mushar
14. Sikam Rishidev son of Rabbi Mushar

All are resident of village- Pipra , tola Aoukhrach, PS Jogbani, District Araria.

15. Pradeep Sah son of late Rameshwar Sah
16. Gopal Sah son of late Bhola Sah
17. Pramod Sah son of late Bhola Sah
18. Kishore Sah son of late Hira Sah
19. Prahlad Sah son of late Hira Sah
20. Madan Sah son of late Bishwanath Sah
21. Mohan Sah son of late Shiv Prasad Sah
22. Madan Kanojia son of late Baijnath Sah
23. Manoj Kumar Sah son of Late Raghunandan Sah
24. Santosh Kumar Sah @Appu Sah son of late Raghunandan Sah
25. Krishna Kumar Sah son of late Raghunandan Sah
26. Likhni Chand Sah son of late Charitra Sah
27. Iswar Chand Sah son of late Charitra Sah

All are resident of Pipra , PS Jogbani District Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate

For the Respondent Nos. 1 to 3 : Mr. Manoj Kumar Sinha, AC to SC 30

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 17-05-2016 Heard learned counsel appearing on behalf of the petitioner and the learned AC to SC 30 appearing on behalf of the respondent nos. 1 to 3.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India assailing the validity and correctness of the order dated 02.11.1999 passed in Revenue Appeal Case No. 156 of 1996-97 by the respondent SDO, Farbisganj, as contained in Annexure-6 to the writ petition, whereby aforesaid revenue appeal filed on behalf of the private respondents under Section 48D of the Bihar Tenancy Act was allowed with respect to the lands mentioned in the impugned order.

This writ petition has to fail on two counts; firstly the impugned order was passed on 02.11.1999 and the writ petition has been filed on 17.03.2016, therefore, there is undue and unexplained delay of more than 16 years, and secondly, the petitioner has not been able to show that he has any legal right with respect to the lands in question. In absence of his legal right with respect to the lands in question, he cannot be permitted to challenge the validity and correctness of the aforesaid order dated 02.11.1999. Apparently, the landholders against whom the aforesaid order was passed have not challenged the said order and order has been allowed to attain its finality.

In above view of the matter, this Court is left with no option, but to dismiss the present writ petition being devoid of merit. It is, accordingly, dismissed. However, there shall be no order as to costs.

(Birendra Prasad Verma, J)

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