

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15238 of 2014

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1. Kapildeo Mandal Son of Biklal Mandal
2. Bachhi Devi Wife of Sukhdeo Mandal
Both residents of Village - Kathira, P.S - Gopalpur, District - Bhagalpur.
.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Land Reforms,
Government of Bihar, Patna
2. The District Magistrate-cum-Collector, Bhagalpur
3. The S.D.O. Naugachia, District Bhagalpur
4. The D.C.L.R.Naugachia, District Bhagalpur
5. The Circle Officer, Gopalpur, District Bhagalpur
6. Satyadeo Sharma
7. Ramdeo Sharma
8. Shyamdeo Sharma
9. Nigam Sharma
10. Sahjanand Sharma
11. Anil Kumar Sharma
Respondent Nos. 6 to 11 are sons of Late Bhagwat Sharma
12. Binay Kumar Sharma
13. Mukesh Kumar
Respondent Nos. 12 & 13 are sons of Late Jagdish Sharma

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Advocate
Mr.Surendra Kumar/Mishra, Advocate
For the Respondent Nos. 1 to 5: Mr. Amaresh Kumar Sinha, AC to GA 1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 06-09-2016

Heard the parties.

2. The petitioners have filed the present writ petition assailing the validity and correctness of the order dated 09.08.2007 passed in Land Settlement Appeal No. 40 of 1999-2000 by the respondent District Collector, Bhagalpur, as contained in Annexure-3 to the writ petition, whereby the aforesaid appeal preferred on behalf of the private respondent no. 6 and others was allowed.

3. The learned AC to GA 1, appearing on behalf of the respondent nos. 1 to 5, at the very outset, submitted that against

the impugned order, the petitioners had earlier moved before this Court in CWJC No. 15166 of 2007, which was dismissed by a Bench of this Court by order dated 04.03.2009 (Annexure-7). He further submits that subsequently the petitioners filed MJC No. 3158 of 2013 for modification of the aforesaid order dated 04.03.2009 (Annexure-7), but that MJC was also dismissed by another Bench by an order dated 08.07.2014 (Annexure-8). He contended that the present writ petition is completely barred by the principles of res judicata.

4. The submissions made by the learned State counsel is accepted and it is held that the present writ petition is barred by the principles of res judicata. This appears to be practically third round of litigation by the petitioners with respect to the same impugned order dated 09.08.2007 passed by the District Collector, Bhagalpur, as contained in Annexure-3 to the writ petition.

5. In above view of the matter, this Court is of the opinion that this writ petition should not simply be dismissed, but it should be dismissed with a costs. Accordingly, the writ petition is dismissed, but with a costs of Rs.10,000/-(Rupees ten thousand). The costs awarded against the petitioners must be deposited in Government Treasury, Bhagalpur, in favour of the State of Bihar within a period of three months from today, failing which the District Collector, shall be at liberty to realize the aforesaid costs in accordance with law.

(Birendra Prasad Verma, J)

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