

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18789 of 2014

=====

1. Most. Motiraj Devi, W/O Late Suryadeo Singh
2. Raj Kishore Singh, S/O Late Suryadeo Singh,
3. Chandra Kishore Singh, S/O Late Suryadeo Singh,
All are residents of village- Tariyani Chhapra, P.S.- Tariyani, District-
Sheohar

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, District- Sheohar
3. The Sub-Divisional Officer, Sheohar, District- Sheohar
4. The Anchal Adhikari, Anchal- Tariyani, District- Sheohar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Jha, Adv.
Vivek Kumar, Adv.

For the Respondent/s : Mr.R.B.Prasad Yadav, AAG-11
Mrs. Archana, AC to AAG-11

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 06-09-2016 The petitioners have filed the present writ petition seeking a direction to the respondent Anchal Adhikari, Tariyani for allowing their claim under Section 48-D of The Bihar Tenancy Act, 1885 (in short B.T. Act) and for granting them raiyati rights over the lands in question.

Though, the learned counsel appearing on behalf of the petitioners has argued the matter at some length, but he has not brought on record the petition filed on behalf of the petitioners before the respondent Anchal Adhikari in the prescribed format under Section 48-D of the B.T. Act.

The learned AC to AAG-11, appearing on behalf of the respondents, on the other hand, submits that all the necessary parties including the land holder have not been impleaded as party respondents in the present proceeding. Therefore, according to

him, the writ petition suffers from non-joinder of the necessary parties.

In the aforesaid factual matrices of the case, the reliefs sought for on behalf of the petitioners cannot be granted in the present proceeding. Accordingly, the writ petition is dismissed.

However, this shall not come in the way of the petitioners in filing a fresh petition under Section 48-D of the B.T. Act and the rules made thereunder in the prescribed format after impleading all the necessary parties before the respondent Anchal Adhikari. If such a petition is filed on behalf of the petitioners, then the respondent Anchal Adhikari, Tariyani shall be obliged to initiate a proceeding under Section 48-D of the B.T. Act and that shall be taken to its logical conclusion strictly in accordance with law, but, before passing any final order, reasonable opportunity of hearing must be given to all concerned including the land holder.

(Birendra Prasad Verma, J)

Arvind/-

U			
---	--	--	--