

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5930 of 2002

Shivanand Mandal son of late Resham Lal Mandal, resident of village- Barad Batta,
P.S. Palasi, District Araria.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Araria.
2. The Sub-Divisional Officer, Araria.
3. The Anchal Adhikari, Palasi, District Araria.
4. Shova Kanth Jha
5. Shri Kanth Jha, both are sons of late Rati Kanth Jha.
6. Basudeo Jha son of Late Kalpanath Jha
7. Sachidanand Misrian son of Laste Bhukua Jha, all are residents of Village Barad-batta, Police Station Palasi, District Araria.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumar Uday Bhanu Roy, Adv.
Mr. Sanjay Kr. Sharma, Adv.
Mr. Anant Kumar, Adv.
For the Respondent Nos. 1 to 3 : Mr. Abbas Haider, SC-6
Mr. Hussain Majeed, Adv.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL JUDGMENT
Date: 27-09-2016

Heard the parties.

The petitioner is aggrieved by the order dated 14.9.2001 passed in 48D B.T. Act Appeal Case No. 121 of 1996-97 by the S.D.O., Araria, the prescribed appellate authority, as contained in Annexure-3 to the writ petition, whereby the aforesaid appeal filed on behalf of the petitioner has been dismissed and the order passed by the original authority i.e. Anchal Adhikari, Palasi in Case No. 58 of 1995-96 rejecting the claim of the petitioner under Section 48D of The Bihar Tenancy Act, 1885 has been affirmed.

Though, the learned counsel appearing on behalf of the petitioner has argued the matter at great length, but he has fairly conceded that the claim raised on behalf of the petitioner has been

rejected by the original authority as also the appellate authority.

The learned SC-6 appearing on behalf of the respondent nos. 1 to 3, after looking into the records of the present case, on the other hand, submits that the present writ petition stood dismissed, as against respondent no. 7, on account of non-compliance of the peremptory order dated 10.8.2004 passed by a Bench of this Court. He further submits that the respondent no.7 was one of the landholders against whom claim was raised by the petitioner, but in view of dismissal of the writ petition, as against the respondent no.7, the present writ petition has become incompetent and cannot proceed further.

After having heard the parties and taking into consideration the entire factual matrices, this Court is of the opinion that in view of the office note dated 26.9.2016, the submission made by the learned SC-6 is correct. This Court is further of the opinion that in view of dismissal of the writ petition, as against the respondent no.7- one of the landholders, the present writ petition has become incompetent and the issue raised here in the present proceeding on behalf of the petitioner cannot be effectively decided.

In above view of the matter, the present writ petition has to fail and is, accordingly, dismissed. However, there shall be no order as to costs.

(Birendra Prasad Verma, J)

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