

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15039 of 2005

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1. Md.Nazam Ansari @ Md.Nazam son of Late Lal Mohammad
 2. Md.Kalam Ansari @ Md.Kalam son of Late Mohammad
 3. Md.Shamim Ansari @ Shamim son of Late Lal Mohammad
 4. Md.Sajam Ansari @ Md.Sajam son of Late Lal Mohammad
 5. Md. Akram Ansari @ Md.Akram son of late Lal Mohammad
- All are residents of Mohalla Pokhar Basti, Ward No.8, Forbesganj,
Town Police Station Forbesganj, District Araria

.... Petitioner/s

Versus

1. The State of Bihar
 2. The Sub Divisional Magistrate, Forbesganj, District Araria
 3. The Anchal Adhikari, Forbesganj, District Araria
 4. Rameshwar Lal Deo son of Late Mahabir Deo (**Expunged by order dated 16.01.2015 and substituted by his following heirs and legal representatives**)
 - 4 (A) Sita Devi W/o Late Rameshwar Lal Deo
 - 4 (B) Maheshwar Lal Deo son of Late Rameshwar Lal Deo
 5. Kameshwar Lal Deo son of Late Mahabir Deo (**Expunged by order dated 16.01.2015 and substituted by his following heirs and legal representatives**)
 - 5(A) Parwati Devi W/o Late Kameshwar Lal Deo
 - 5(B) Shailendra Prasad Dev
 - 5 (C)Bhupendra Prasaad Dev
 - 5(D) Devendra Prasad Dev
 - 5(E) Sanjeev Prasad Dev
 - 5(F) Bhawani Prasad Dev
- Respondent Nos. 5(B) to 5(F) are sons of Late Kameshwar Lal Deo and Respondent Nos. 4 to 5(F) are residents of Village Bhattabari, Post Office and Police Station Forbesganj, District Araria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Respondent Nos. 1 to 3: Mr. Ajay Kumar Sharma, AC to PAAG-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

9 06-09-2016

Heard the learned counsel appearing on behalf of the petitioners and the learned AC to PAAG-1, appearing on behalf of the respondent nos. 1 to 3.

2. The matters at issue are the claims raised on behalf of the petitioners under Section 48 D of the Bihar Tenancy Act, 1885 (in short “the B.T.Act”) with respect to lands in question. By recording concurrent findings of fact, the claims raised on

behalf of the petitioners under Section 48 D of the B.T.Act has been rejected by the impugned original order dated 29.03.2005/30.06.2005 passed in Case No.9 of 2003-04 by the respondent Circle Officer, Forbesganj, which has been affirmed by the appellate authority i.e. S.D.O., Forbesganj by the impugned appellate order dated 17.08.2005 passed in Appeal Case No. 2 of 2005-06.

3. Though, the learned counsel appearing on behalf of the petitioners has argued the matter at some length, but he has not been able to point out any legal infirmity in the orders passed by the original authority and the appellate authority, or any procedural error committed by them while passing the aforesaid orders.

4. The learned State counsel appearing on behalf of the official respondents, on the other hand, submits that by recording concurrent findings of fact, the claims raised on behalf of the petitioners have been rejected by both the authorities; therefore, that may not be interfered with.

5. After having heard the parties and taking into consideration the aforesaid submissions, particularly, in view of the fact that the learned counsel for the petitioners has not been able to point out any procedural error or legal infirmity with respect to the orders impugned, this Court is not inclined to accede to the prayer made on behalf of the petitioners in the present writ petition. Consequently, the writ petition has to fail and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

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