

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1508 of 2005

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Chandrika Singh son of Late Basudeo Singh, resident of Village Pohe, and Anchal and Block Siandra, District Jamui

.... Petitioner/s

Versus

1. The State of Bihar
2. Additional Collector, Jamui
3. The Deputy Collector, Revenue, Jamui
4. Banshi Tanti son of Late Ganesh Tanti
5. Kameshwar Tanti son of Late Jageshwar Tanti
6. Rajendra Tanti son of Late Ramdhani Tanti
7. Bhola Tanti son of Kameshwar Tanti
8. Ino Tanti son of Kameshwar Tanti
9. Marvan Tanti son of Banshi Tanti
10. Chunni Sao son of Ram Khaju
11. Paltu Tanti son of Banshi Tanti
12. Sanjay Tanti son of Rajendra Tanti
13. Suraj Tanti son of Ramkhaju Tanti
14. Kapil Tanti son of Banwari Tanti
15. Mohan Tanti son of Banwari Tanti
16. Manoj Tanti son of Rameshwar Tanti

All are residents of jVillage Pohe, Tola Tantitola, P.S.& Anchal and Block Kikandra, District Jamui

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Mohan Verma
Mr. Pravin Kumar

For the Respondent Nos. 1 to 3: Mr. AC to SC 27

For the Respondent no.5 : Mr.Kumar Alok, Advocate
Mr.Rakesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 25-07-2016 The petitioner is aggrieved by order dated 25.08.2004 (Annexure-4) passed in Misc.Appeal No. 01 of 2004 by the respondent Additional Collector, Jamui, whereby the respondent Additional Collector, Jamui has directed the DCLR, Jamui to implead the applicants, who are private respondent nos. 4 to 16 herein as party respondents in the case and decide the matter afresh on merits.

Admittedly, by order dated 02.01.2004 (Annexure-2) passed in Misc.Appeal No. 07 of 2001-2002, the Additional

Collector, Jamui had remitted the matter back to the DCLR, Jamui for deciding the claim of creation/correction of Jamabandi with respect to the lands in question, detailed in paragraph 7 of the writ petition. Apparently by the impugned order dated 25.08.2004, the matter has not been decided on merit. Only direction is for giving an opportunity of hearing to respondent nos. 5 to 16 also while passing the final order in the aforesaid case. After hearing the parties, the matter has to be decided afresh by the DCLR, Jamui on merits. Therefore, the objection taken by the petitioner that private respondent nos. 5 to 16 should not be allowed to participate in that proceeding cannot be countenanced.

In above view of the matter, the present writ petition is dismissed. However, the parties shall be at liberty to raise all the issues of fact and law, which may be available to them, with respect to the lands in question before the DCLR, Jamui.

It goes without saying that the respondent DCLR, Jamui while passing fresh order shall take into consideration all the points raised on behalf of the parties and shall decide the matter strictly in accordance with law by a reasoned and speaking order.

(Birendra Prasad Verma, J)

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