

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13625 of 2005

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Prabhu Nath Prasad @ Prabhu Nath Choudhary son of Ram Adhin Choudhary, resident of Village- Tikari, Police Station- Hussainganj, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Siwan, District Siwan.
3. The Additional Collector, Siwan, District Siwan.
4. The Deputy Collector, Land Reforms, Siwan, District Siwan.
5. The C.O. Hussainganj, District- Siwan.
6. Radha Kishun Bhagat, son of Sahdeo Bhagat.
7. Sheo Pujan Bhagat, son of Sahdeo Bhagat (expunged vide order dated 01.04.2009 and his nearest legal representatives, his brother is already on record as respondent no.6)
8. Suraj Bhagat, son of Rajdeo Bhagat.
9. Lal Babu Bhagat, son of Rajai Bhagat.
10. Parma Bhagat son of Chandar Bhagat (expunged vide order dated 1.4.2009 and his following heirs have been substituted)
 - (i) Maya Devi wife of Late Parma Bhagat
 - (ii) Babita Devi daughter of late Parma Bhagat
 - (iii) Manita Devi, daughter of late Parma Bhagat
11. Sudama Bhagat, son of Simahi Bhagat.
12. Horil Bhagat, son of Lalji Bhagat.
13. Chandrika Singh, son of Lalji Singh
14. Sukath Kohar, son of Keshar Kohar, all resident of Village Karehana, P.S. Hussainganj, at present Village Ziradei, District Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Ajay Kumar Sharma, AC to PAAG-I

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 25-07-2016 The petitioner is aggrieved by the order dated 09.01.1999 passed in Jamabandi Cancellation Case No. 2 of 1993-94 by the respondent District Collector, Siwan, as contained in Annexure-1, whereby a direction has been issued for initiation of proceeding under Section 4(h) of The Bihar Land Reforms Act, 1950 (in short Act), with respect to the lands in question fully detailed in paragraph-4 of the writ petition.

Admittedly, after initiation of the proceeding under Section 4(h) of the Act, the petitioner as also the private respondents, besides others, will have opportunity to support their claim with respect to the lands in question as the final adjudication is yet to be made in terms of Section 4(h) of the Act.

In above view of the matter, this Court is not persuaded to interfere with the impugned order dated 9.1.1999 (Annexure-1). The writ petition is, accordingly, dismissed.

However, it goes without saying that if the proceeding under Section 4(h) of the Act with respect to the lands in question is initiated, then the petitioner as also the private respondents, besides others, if any, shall be at liberty to raise all the issues of facts and law, which may be available to them with respect to the lands in question.

(Birendra Prasad Verma, J)

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