

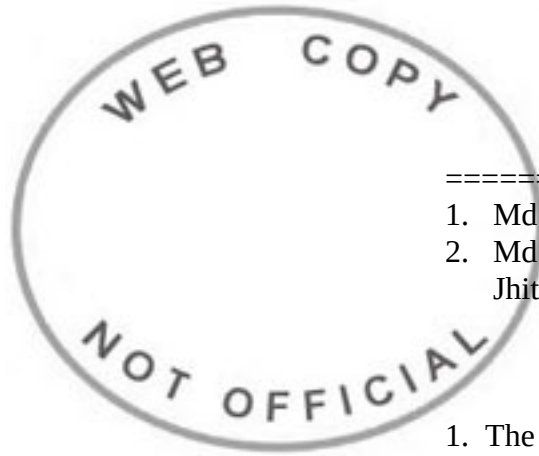
IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10976 of 2014

With

Interlocutory Application No. 8518 of 2016

And

Interlocutory Application No. 8836 of 2016



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1. Md. Sanaullah
 2. Md. Atiullah Sons of Sk. Abdur Rahim, Both are resident of village Jhitkalia, Police Station Dhaka District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar .
2. The Additional Member Board of Revenue, Bihar, Patna.
3. The Additional Collector, Sitamarhi, District - Sitamarhi.
4. The Land Reforms Deputy Collector, Sitamarhi (West).
5. Barkatullah
6. Karamtullah, both Sons of Sk. Mahibullah
7. Sk. Mahibullah son of Sk. Chathru, Respondents No. 5 to 7 are residents of village Jhikahia, PS. Dhaka, District - East Champaran.
8. Nirmal Kumar Jaiswal son of Kailash Prasad Chaudhary resident of village - Bal Dumarbanna p.s. Barbagula, Distt. Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Adv.
Mr. Rabindra Prasad Singh, Adv.

For the Respondent Nos.1 to 4 :Mr. Harish Kumar, G.P. 8

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 11-11-2016

Heard.

The petitioners have filed the present writ petition under Article 226 of the Constitution of India for issuance of a writ of certiorari setting aside the order passed by the Member, Board of Revenue, Bihar, Patna in Revision Case No. 5 of 1998 in view of order of remand made by this Court in C.W.J.C. No. 8357 of 1992, disposed of on 19.4.1993, as contained in Annexure-4 to the writ petition. However, despite repeated queries made by this Court, the learned counsel appearing on behalf of the petitioners

has not been able to show the final order passed by the Member, Board of Revenue, Bihar, Patna in aforesaid Revision Case No. 5 of 1998. He has not been able to disclose even the date of disposal of that revision case by the Member, Board of Revenue, Bihar, Patna.

In the present case, a counter-affidavit has been filed on behalf of the respondent nos. 3 and 4. The learned G.P. 8 appearing on behalf of the State of Bihar and its functionaries, by referring to the averments made in the aforesaid counter-affidavit, submits that the aforesaid revision application is still pending before the Member, Board of Revenue, Bihar, Patna. The facts stated in the aforesaid counter-affidavit has not been disputed by the learned counsel appearing on behalf of the petitioners by filing any rejoinder affidavit, though a copy of the aforesaid counter-affidavit was served upon him way back on 23.9.2015.

In above view of the matter, no useful purpose shall be served by keeping the present writ petition pending any longer before this Court, as the matter is still sub-judice before the Member, Board of Revenue, Bihar, Patna.

Hence, the present writ petition is disposed of with a direction to the Member, Board of Revenue, Bihar, Patna to dispose of the aforesaid Revision Case No. 5 of 1998 filed on behalf of the petitioners at an early date preferably within a period of three months from the date of receipt/ production of a copy of this order.

The petitioners are directed to appear before the Member, Board of Revenue, Bihar, Patna with a certified copy of the present order within a period of one month from today, whereafter, the Member, Board of Revenue, Bihar shall take

appropriate steps for disposal of aforesaid Revision Case No. 5 of 1998 filed on behalf of the petitioners expeditiously, within the time prescribed above.

The present writ petition stands finally disposed of with the observations and directions made above. I.A. No. 8518 of 2014 and I.A. No. 8836 of 2016 also stand disposed of accordingly.

(Birendra Prasad Verma, J)

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