

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6547 of 2007

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1. Prakash Mahton son of Khargi Mahton
 2. Ram Jee Mahton son of Late Jagdambi Mahton
 3. Sito Mahto son of Late Baidhu Mahton
 4. Noonulal Mahton son of Late Gangoo Mahton
 5. Arjun Mahton son of Late Baidhu Mahton
 6. Rajo Mahton son of Late Srilal Mahton & Bhim Mahton
 7. Deepu Mistri son of Late Hari Mistri
 8. Biranchi Mahton son of Late Devi Mahton
 9. Raghunath Mahton son of Late Puna Mahto
 10. Tripit Mahton son of Late Lakhan Mahton
- Petitioner nos. 1 to 10 are resident of Village Fadarpur (Faridpur),
P.S.Birupur, District Lakhisarai
11. Ram Chandra Saw son of Late Tukan Sao
 12. Anup Mahton son of Late Lildhari Mahton
 13. Most. Maya Devi W/o Later Late Jago Mahton
 14. Balo Mahton son of Late Mitlal Mahto
 15. Mahendra Mahton son of Late Chhatradhari Mahton
 16. Brahmdeo Mahton son of Late Teko Mahton
 17. Most. Gayatri Devi W/o Late Raj Kumar Mahton
 18. Dund Mahton son of Late Ritlal Mahton
 19. Dham Mahton son of Late Rupan Mahton
 20. Kishori Mahton son of Late Mangal Mahton
 21. Chandrika Mahton son of Late Lakhan Mahton
 22. Ram Baran Mahton son of Late Tanik Mahton
 23. Gowardhan Mahton son of Late Badri Mahton
 24. Most. Sharda Devi W/o Ram Charitar Mahton
 25. Ramwati Devi W/o Jai Ram Mahton
 26. Nikhedi Mahton son of Late Bhoju Mahton
 27. Ram Khelawan Mahton son of Late Thakuri Mahton
 28. Shobha Devi @ Most.Rambha Devi W/o Late Narayan Sao
 29. Sri Na;rayn Sao son of Late Miahri Sao
 30. Manoj Mahto son of Ramchandra Mahto
 31. Sri Kant Mahton son of Late Gano Mahton
 32. Siya Saran Mahton son of Late Lekha Mahto
 33. Most Kanti Devi W/o Late Jago Mahton
 34. Ramashish Mahton son of Late Bhagat Mahton
 35. Yogendra Mahto son of Ram Sharan Mahton
 36. Radhey Shyam Mahton son of Late Lalo Mahton
 37. Ram Padarath Sao son of Late Moti Sao
 38. Nepali Sao son of Late Dukhi Sao
 39. Sardari Ram son of Late Jahuri Ram
 40. Miraima Devi W/o Late Loknath Mahton
 41. Dhanbarti Devi W/o Laate Sudama Mahton
 42. Ramdeo mahton son of Late Jhandu Mahton
 43. Hardeo Mahton son of Late Jhandu Mahton
 44. Baso Mahton son of Late Bhado Mahton
 45. Ramjee Mahton son of Late Jhandu Mahton
 46. Shivkumar Mahton son of Late Teka Mahton
 47. Ram Chandra Mahton son of Late Sarjun Mahton

48. Bhanso Mahton son of Late Tonril Mahto
49. Summa Devi W/o Rameshwar Mahton
50. Shailwa Devi W/o Lte Ram Baran Mahton
51. Most. Girja Devi W/o Late Laxmi Mahton
52. Ishwar Mahton son of Late Budhan Mahton
53. Saran Mahton son of Late Ram Swaroop Mahton
54. Dasrath Mahton son of Late Guru Sahay Mahton
55. Ram Charitra Mahton son of Late Kamaladhari Mahton
56. Most Jitani Devi W/o Late Nirbhay Mahton
57. Jago Mahton son of Late Faudari Mahton
58. Surjee Devi W/o Late Radhey Mahton
59. Brahmdeo Mahton son of Late Saryug Mahton
60. Shambhu Mahto son of Late Saryug Mahton
61. Sukhdeo Mahton son of Late Ram Mahton
62. Ganga Mahto son of Saryu Mahton
63. Meghan Mahton son of Late Ram Swarup Mahto
64. Suresh Mahton son of Late Bhaso Mahton
65. Guleshwar Mahton son of Late Khiyali Mahton
66. Mahendra Mochi son of late Brahma Mochi
67. Chaniya Devi W/o Late Bino Mahaton
68. Shanichari Devi W/o Bachchu Mahton
69. Jhauri Mahton son of Late Lakhan Mahton
70. Lal Pari Devi W/o Ram Nandi Mahton
Petitioner Nos. 11 to 70 are resident of Village Pali, P.S.Birupur,
District Lakhisarai Petitioner/s

Versus

1. The State of Bihar
2. Collector and District Magistrate, Lakhisarai
3. Land Reforms Deputy Collector, Lakhisarai
4. Sri Abinash Chandra Sharma son of Late Babu Murli Manmohan Prasad Singh
5. Smt.Nilam Sharma W/o Sri Abinash Chandra Sharma,
Respondent nos. 4 and 5 are resident of Village Barahiya Taraf,
Ghanraj, P.S. land P.O. Barahiya, District Lakhisarai
6. Indu Devi W/o Late Gopal Singh
7. Munni Singh son of Late Shiva Nandan Singh
Respondent Nos. 6 and 7 are resident of Village Manjhaul, District Begusarai at present residing at Village and P.O. Barahiya, District Lakhisarai

.... Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 02-08-2016 Despite repeated calls, none appears on behalf of the
petitioners in support of the present writ petition, though the name

of the learned counsel appearing on their behalf is printed in the daily cause list.

On examination of the record, this Court finds that the present writ petition has been filed assailing the validity and correctness of the order dated 24.10.1994 passed in Batai Case No. 227 of 1992-93 by the respondent D.C.L.R., Lakhisarai, as contained in Annexure-1 to the writ petition, whereby aforesaid Batai case and its analogous cases was dismissed by the respondent D.C.L.R., Lakhisarai in exercise of his powers under Section 48E of The Bihar Tenancy Act. Admittedly, the impugned order in the case filed on behalf of the petitioners or their ancestors was passed on 24.10.1994 and the present writ petition was filed on 17.05.2007 i.e. after a delay of more than 12 years. Therefore, the writ petition suffers from delay and laches on the part of the petitioners. Furthermore, this Court finds that by order dated 19.02.2010 the petitioners were directed to take steps for fresh service of notice upon the respondent nos. 6 and 7. Office note dated 01.08.2016 points out that in response of the aforesaid order dated 19.02.2010, neither talbana etc. nor registered cover with A/D has been filed by the petitioners for issuance of notice to the private respondent nos. 6 and 7. From the aforesaid fact it appears that the petitioners have lost their interest in the present proceeding.

For the reasons recorded above, this Court is of the opinion that the writ petition has to fail and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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