

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18722 of 2014

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1. Aquil Ahmad
2. Md. Shakil Ahmad
3. Nabil Ahmad
4. Asil Ahmad
5. Adil Ahmad
6. Bibi Sanjeeda
7. Bibi Masooma
8. Bibi Sawaida
All sons and daughters of Late Kabiruddin
9. Sabil Ahmad
10. Rahil Ahmad
11. Bibi Rehana khatoon
12. Bibi Shahnaz Khatoon
All sons and daughters of Late Naizruddin
All resident of village- Rampur Mohanpur, Police Station & District-Araria.
.... Petitioner/s

Versus

1. The State of Bihar .
2. The Deputy Collector, Land Reforms, Araria.
3. The Anchaladhikari, Araria
4. Md. Wasil
5. Md. Mustaque
sons of Late SK. Najbul
6. Most. Zohara wife of Late Fasil
7. Md. Hazarat
8. Md. Mahmood
9. Md. Quamrul
All sons of SK. Fasil
10. Most. Kaisun wife of Late Sk. Riyasat
11. SK. Ashique
12. Sk. Manzar
13. Sk. Naiyar
14. Sk. Tausif.
All sons of Late SK. Riyasat
All resident of village- Rampur Mohanpur, Police Station AND District-Araria.
15. Sk. Ishaque son of Bakhat Ali Resident of village- Bhagwanpur, P.O. Baigachi, P.S. Jokihat, District- Araria.
.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghib Ahsan, Sr.Adv.
Mr. Sanjay Sinha, Adv.
Mr.Saba Ashfaq, Adv.
For the Respondent nos.1to3 : Mr. Amresh, AC to GP-13

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 06-09-2016

Heard the parties.

The petitioners have filed the present writ petition assailing the validity and correctness of the order dated 20.06.2014 passed in Batai Case No.19 of 2008-09 by the respondent D.C.L.R., Araria, as contained in Annexure-1 to the writ petition.

Apparently, the impugned order dated 20.06.2014 is interlocutory in nature. By the impugned order dated 20.06.2014, a direction has been issued for recording the evidence of the parties.

In a quasi-judicial proceeding, all interlocutory orders passed by the statutory authorities cannot be subjected to a proceeding under Article 226 of the Constitution of India. Admittedly, in the aforesaid Batai Case, final order is yet to be passed by the D.C.L.R., Araria.

In above view of the matter, in the considered opinion of this Court, the present writ petition is premature and not maintainable at this stage. Accordingly, the present writ petition is dismissed, but a liberty is granted to the petitioners to raise all the issues in the aforesaid Batai Case pending before the prescribed authority. If the final order is passed, then, against that order, the petitioner will have remedy of appeal under Section 48-F of the Bihar Tenancy Act, 1885.

(Birendra Prasad Verma, J)

Arvind/-

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