

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8029 of 2014

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1. Janak Mandal son of Gangai Mandal.
2. Ramapati Yadav son of Mishri Lal Yadav.
3. Masaleuddin son of Jamaluddin.
4. Kari Mandal son of Nokhe Mandal.
5. Baldeo Mandal son of Raghu Mandal.
6. Ram Udgar Yadav son of Mahavir Yadav.
7. Dhanpati Yadav son of Kailu Yadav.
8. Parbit Yadav son of Jagai Yadav.
9. Ramdhari Yadav son of Jagai Yadav.
10. Mohit Yadav son of Gangai Yadav.
All residents of village - Meghaul, P.S. - Pandaul, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Madhubani.
3. The D.C.L.R., Madhubani.
4. The Circle Officer, Pandaul Block, District - Madhubani.
5. Parmandan Jha son of late Ishnath Jha @ Kamlanand Jha resident of Village - Sarisotola, Nov Tole, P.S. - Pandaul, District - Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 09-08-2016 Heard the parties.

The petitioners are aggrieved by the order dated 28.06.2004 passed in Bataidari Case No.56 of 2002-03 by the respondent District Collector, Madhubani (Annexure-5), whereby the appeal preferred on behalf of the private respondent no.5 under Section 48-F of the B.T. Act has been allowed and after setting aside the order passed by the D.C.L.R., Sadar Madhubani the matter has been remitted back for deciding the Batai claim afresh.

The present writ petition has to fail on two counts: firstly, by the impugned appellate order the matter has been remanded to the original authority for deciding the case afresh in

accordance with law; and secondly, the present writ petition suffers from delay and laches. The impugned order was passed on 28.06.2004 after hearing the parties including the petitioners, yet the present writ petition has been filed on 25.04.2014 i.e. after delay of almost ten years. There is no valid explanation for such a long delay.

For the reasons recorded above, the present writ petition is dismissed. However, a liberty is granted to the petitioners to prosecute their litigation before the D.C.L.R., Sadar Madhubani for adjudication of their claim under Section 48-E of the B.T. Act.

(Birendra Prasad Verma, J)

Arvind/-

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