

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.817 of 2005

- =====
1. Asha Devi widow of Late Dev Bachan Rai
 2. Ganga Sagar Rai
 3. Shanker Rai
Petitioner nos. 2 and 3 are sons of Late Sarjug Rai
 4. Priti Kumar daughter of Mahabir Rai
 5. Suresh Rai
 6. Uma Shanker Rai
 7. Sia Rai
Petitioner nos. 5 to 7 are sons of Late Ayodhaya Rai
 8. Manoj Kumar son of Late Rama Nand Rai
 9. Most. Lilam Devi widow of Late Laxman Rai
 10. Most. Gita Devi widow of Late Mahabir Rai
 11. Sonu Kumar
 12. Soni Kumar
 13. Ravi Kumar
Petitioner nos. 11 to 13 are sons of Late Laxman Rai
 14. July Kumari daughter of Late Laxman Rai
All are residents of Mohalla Bagtaj Khan @ Pokhara, P.S.Hajipur
Town, District Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Vaishali, Hajipur
3. The Deputy Collector Land Reforms, Hajipur
4. Chandeshwar Rai
5. Kamal Rai
6. Dinesh alias Chattu Rai
7. Ram Prit Rai
8. Ram Brich Rai
Respondent Nos. 4 to 8 are sons of Late Gulal Rai
9. Srimati Bindu wife of Ram Prit Rai
Respondent Nos. 4 to 9 are residents of Mohalla Bagtaj Khan @
Pokhara, P.S.Hajipur Town, District Vaishali

.... Respondent/s

=====

Appearance :

For the Petitioner/s : None

For the Respondent Nos. 1 to 3 : Mr.Ravi Kumar, AC to GP 13

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

7 23-08-2016 The petitioners are aggrieved by the order dated
15.04.1997 passed in Batai Case No. 4 of 1986-87/Batai Case No.
1 of 1989-90 by the Sub Divisional Officer, Hajipur, as contained
in Annexure-1 to the writ petition, whereby the batai claim raised



on behalf of the petitioners or their ancestors under Section 48E of the Bihar Tenancy Act, 1885 (in short, “the B.T.Act”) has been rejected by recording a finding of fact that dispute between the parties are essentially of title and, therefore, for redressal of their grievances, they should approach the competent civil court. The petitioners are also aggrieved by the order dated 17.09.2004/11.10.2004 passed by the respondent District Collector, Vaishali in Revenue Case No. 17 of 1997-98, as contained in Annexure-2 to this writ petition, whereby the aforesaid case filed on behalf of the petitioners or their ancestors purportedly under Section 48F of the B.T.Act has been dismissed by recording a finding of fact that the dispute is completely of title between the parties, which can be decided by the competent civil court and not by revenue authorities.

2. Though, despite repeated calls, none appears on behalf of the petitioners, yet I have heard the learned AC to GP 13, appearing on behalf of the respondent nos. 1 to 3.

3. The learned State counsel after going through the record has submitted that the original authority as also the appellate authority have rejected the batai claim of the petitioners or their ancestors by recording concurrent findings of fact that dispute between the parties are that of title and there is no bona fide batai dispute between the parties requiring adjudication under Section 48E of the B.T.Act According to him, the impugned orders cannot be legally faulted.

4. Submissions made by the learned State counsel appear to be correct.

5. Admittedly, batai claim of the petitioners has been rejected by the original authority vide Annexure-1 by passing a

reasoned and speaking order, which has been affirmed by the appellate authority again by a reasoned and speaking order as contained in annexure-2 to the writ petition.

6. In above view of the matter, this Court does not feel persuaded to interfere with the orders impugned and, accordingly, the writ petition is dismissed, but without costs.

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--