

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7831 of 2005

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Sant Lal Kishku son of Late Sufal Kishku, resident of village Behande
Simana, P.S.Barari, District Katihar

.... Petitioner/s

Versus

1. The State of Bihar
 2. The Deputy Collector, Land Revenue, Katihar
 3. **Sardar Jitendra Prasad Singh son of Late Anup Lal Singh
(Expunged vide order dated 06.02.2007 and his following heir and
legal representative has been substituted):**
 - 3(a) Ripuwndra Singh (son)
 4. Sardar Harbachan Singh son of Late Anup Lal Singh
 5. Balwar Singh son of Jagarnath Singh
 6. Nirmal Singh son of Jagarnath Singh
- Respondent Nos. 3 to 6 are residents of Village Bhandartal, P.S.Barai,
District Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate
For the Respondent Nos. 1 & 2 : Mr. Ajay Kumar Sharma, AC to PAAG-
For the Respondent Nos. 3 & 4 : Mr. Jashwir Singh Arora, Sr. Advocate
Mr. Ajay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

8 15-11-2016

Heard.

The petitioner is aggrieved by order dated 01.04.2003 passed in Batai Case No. 80 of 2002-03 by the respondent D.C.L.R., Katihar, as contained in Annexurer-3 to the writ petition, whereby aforesaid case filed on behalf of the petitioner under Section 48E of The Bihar Tenancy Act, 1885 (in short “the B.T.Act”) has been dismissed at the very threshold on the ground that there is no bona fide batai dispute between the parties.

In the impugned order dated 01.04.2003 it has been recorded that by virtue of a decree dated 07.10.1980 passed by the learned Munsif, Katihar relationship of bartaidar and landlord between the petitioner and the private respondents came to an end. Thereafter, the petitioner or his father, who is now dead, was not

in possession over the lands in question.

The learned senior counsel appearing on behalf of the respondent nos. 3 and 4 submits that the decree passed by the civil court became final and aforesaid decree has been executed and possession was given to the private respondents. It is also contended by him that the judgment and decree passed by the civil court was never challenged either by the father of the petitioner or this petitioner and suddenly, after a long time, a petition under Section 48E of the B.T.Act was filed claiming to be bataidar over the lands in question, which has rightly been rejected by the respondent D.C.L.R. by the impugned order dated 01.04.2003.

The learned counsel appearing on behalf of the petitioner, though argued the matter at length, but has not been able to dislodge the findings recorded by the respondent D.C.L.R.,Katihar about the civil court decree passed in favour of the private respondents. The petitioner has not filed rejoinder to the counter affidavit filed on behalf of the respondent nos. 3 and 4.

In above view of the matter, this Court does not feel persuaded to interfere with the impugned order dated 01.04.2003 passed in Batai Case No. 80 of 2002-03 by the respondent D.C.L.R., Katihar, as contained in Annexure-3 to the writ petition. The writ petition is devoid of merit and is, accordingly, dismissed. However, the parties are left to bear their own costs.

(Birendra Prasad Verma, J)

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