

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9883 of 2016

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1. Md. Amin & Ors Son of late Mazharul Haque,
 2. Noor Agun Nishan Wife late Md. Salim
 3. Noor Eqbal Son of Late Md. Salim
 4. Noor Anwar Son of late Md. Salim
 5. Noor Sanwer Son of late Md. Salim All are residents of Village Mallikpur, P.S. Balrampur, District- Katihar
 6. Braj Nandan Singh Baidya Nath Singh Resident of Village - Nemaithi , P.O. Nemaithi, P.S. Baheri District. Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar ,through the Principal Secretary, Land reform, Bihar Patna
2. The Collector, Katihar, District- Katihar
3. The Deputy Collector, Land Reforms Barsoi, Sub Division, Barsoi District- Katihar
4. The Circle officer, Balrampur at Telta, District- Katihar
5. Md. Habib Sonb of Late Sk. Gharru Resident of Village- Sri Ram Pur, P.O. Dalkola, P.S. Balrampur, District Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Adv.

For the Respondent Nos. 1 to 4: None.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 29-11-2016 Heard the learned counsel appearing on behalf of the petitioners. However, none appears on behalf of the respondent State of Bihar and its functionaries, though the name of the learned State counsel is printed in the daily cause list.

The matter in issue is the constitution of Batai Board under Section 48E of the B.T. Act with respect to the Batai claims raised on behalf of the respondent no.5.

By the impugned order dated 16th December, 2015 (Annexure-1) passed by the learned Bihar Land Tribunal, Patna, B.L.T. Case No. 215 of 2015 filed on behalf of the petitioners has been dismissed on the ground that by the order passed by the

D.C.L.R.,Barsoi, only Board of conciliation has been constituted and the final order in batai case is yet to be passed.

Though, the learned counsel appearing on behalf of the petitioners has argued the matter at some length, but he has not disputed that the final order regarding Batai claim of the respondent no. 5 is yet to be passed by the respondent D.C.L.R, Barsoi.

Since the matter is still pending and the batai claim of the private respondent no. 5 is yet to be decided by the respondent D.C.L.R. under section 48E of the B.T. Act, the petitioner would have full opportunity to raise all the issues of facts and law, which may be available to them with respect to the lands in question.

The writ petition, at this stage, is pre-mature and is devoid of merit. No case for interference of the impugned order passed by the learned Tribunal is made out. The writ petition is accordingly dismissed, but without costs.

(Birendra Prasad Verma, J)

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