

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14448 of 2002

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Ram Narayan Uraon, son of late Soukhi Uraon, resident of village-Bhotiya Uraon Tola, P.S.-Dhamdaha, District-Purnia.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Collector Land Reforms at Dhamdaha within the District of Purnia.
3. Shri Ajit Kumar Saha.
4. Shri Bijay Kumar Saha.
- Sons of late Bishwa Mohan Saha
- No.3 and 4 residents of village-Damgara, P.S.-Dhamdaha, District-Purnia.
5. Shri Atal Kumar Panjiyar, son of late Dhruv Narayan Panjiar.
6. Shri Prakash Panjiar, son of Shri Ghanshayam Panjiar
- No. 5 and 6 of Bhagalpur District and at present at village-Bhotia, P.S.-Dhamdaha, District-Purnia.
7. Shri Metar Das Tatma, son of late Bajrangi Tatma, resident of village-Bhotia, P.S.-Dhamdaha, District-Purnia.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Prasad Ambastha, Adv. Mr. Binay Kumar Sinha, Adv.
For the Respondent nos.1&2	:	Mr. Prabhakar Jha, GP-27
For the Respondent nos.3to7	:	None.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 06-09-2016

Heard the learned counsel for the petitioner as also the learned GP-27 appearing on behalf on behalf of the respondent nos.1 and 2. However, none appears on behalf of the respondent nos.3 to 7, though notices were issued to them way back by an order dated 27.03.2003.

The petitioner is aggrieved by the order dated 12.01.2001 passed in Batai Case No.320 of 1994-95 by the respondent D.C.L.R., Dhamdaha (Purnia), as contained in Annexure-5 to the writ petition, whereby the aforesaid Batai Case filed on behalf of the petitioner under Section 48-E of The Bihar Tenancy Act, 1885 (in short B.T. Act) has been rejected mechanically by a non-speaking and

cryptic order, though earlier the matter was referred to the duly constituted Batai Board.

The learned counsel appearing on behalf of the petitioner submits that on the basis of a petition filed on behalf of the petitioner under Section 48-E of the B.T. Act, the aforesaid Batai Case No.320 of 1994-95 was initiated by the respondent D.C.L.R., Dhamdaha (Purnia) and, thereafter, the matter was referred to a duly constituted Batai Board. Subsequently, the matter was recalled from the Batai Board since the Batai Board could not submit its report within the prescribed period of six months. He next submitted that thereafter the matter remained pending before the D.C.L.R., Dhamdaha (Purnia) for a quite long time, but suddenly, by the impugned order dated 12.01.2001, the Batai claim of the petitioner has been rejected by a most cryptic and non-speaking order.

The learned GP-27 appearing on behalf of the respondent nos.1 and 2, though has opposed the prayer, but has not been able to dispute the aforesaid submissions. As noticed above, none is appearing on behalf of the private respondent nos.3 to 7.

In the considered opinion of this Court, the matter requires reconsideration and fresh decision by a reasoned and speaking order, as the impugned order in the manner in which it was passed cannot be sustained in law.

For the reasons recorded above, the impugned order dated 12.01.2001 passed in Batai Case No.320 of 1994-95 by the respondent D.C.L.R., Dhamdaha (Purnia), as contained in Annexure-5 to the writ petition, is hereby set aside and quashed, and the matter is remitted back to the respondent D.C.L.R., Dhamdaha (Purnia) with a direction to decide the aforesaid Batai case afresh strictly in accordance with law by a reasoned and speaking order, but, before

passing any final order, an opportunity of hearing must be given to all concerned including the petitioner and the private respondent nos.3 to 7, besides others, if any.

In the result, the writ petition stands allowed to the extent indicated, but with the observations and directions made above. However, the parties are left to bear their own costs.

(Birendra Prasad Verma, J)

Arvind/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	09.09.2016
Transmission Date	