

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9643 of 2005**

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1. Ram Briksha Rai, son of late Hulas Rai  
2. Raj Balam Rai, son of late Maharaj Rai  
Both resident of village-Tehati, P.S.-Marhaura, District-Saran.  
..... Petitioner/s

Versus

1. The State of Bihar  
2. The Additional Member, Board of Revenue, Bihar, Patna.  
3. The Additional Collector, Saran at Chapra.  
4. The Deputy Collector, Land Reforms, Marhaura, District-Saran at Chapra.  
5. Bijuli Rai  
6. Chaudhari Rai  
Both sons of Jaleshwar Rai, resident of village-Tehati, P.S.-Marhaura, District-Saran.  
7. Laxmi Prasad, son of Rameshwar Prasad, resident of village-Tehati, P.S.-Marhaura, District-Saran.  
..... Respondent/s

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**Appearance :**

For the Petitioner/s : None  
For the Respondent nos.1to4 : Mr. Ajay, G.A.-5

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

5      22-09-2016      Despite repeated calls, none appears on behalf of the petitioners in support of the present writ petition, though the names of the learned counsel appearing on their behalf are printed in the daily cause list. However, I have heard the learned G.A.-5 appearing on behalf of the respondent nos.1 to 4.

The present matter arises out of a preemption proceeding under Section 16(3) of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961. By an order dated 05.05.2011, notices were ordered to be issued to the respondent nos.6 and 7 by both modes, who are contesting respondents in the present writ petition. The aforesaid order dated 05.05.2011 was peremptory in nature. By the office note dated 21.09.2016, it has been pointed out that the aforesaid

order dated 05.05.2011 has not been complied with, as a result of which the present writ petition stood dismissed against the aforesaid contesting respondent nos.6 and 7.

The learned G.A.-5 appearing on behalf of the respondent nos.1 to 4 submits that in absence of the respondent no.6 and 7 the claims raised on behalf of the petitioners with respect to the lands in question cannot be effectively decided and the writ petition has become incompetent on account of its dismissal against the respondent nos.6 and 7.

The submissions made by the learned G.A.-5 appear to be correct.

In the considered opinion of this Court, on account of dismissal of the present writ petition against the contesting respondent nos.6 and 7, the present writ petition has become incompetent and cannot proceed further.

For the reasons recorded above, this Court is left with no option but to dismiss the writ petition as a whole. It is, accordingly, dismissed, but without costs.

**(Birendra Prasad Verma, J)**

Arvind/-

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