

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22797 of 2013

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Lalu Yadav, S/O - Late Karu Yadav, R/O Village - Katari, P.S. - Chandauti,
P.O. - G.P.O., District - Gaya

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Land Reforms and Revenue Department, Bihar, Patna
3. The Divisional Commissioner, Magadh Division, Gaya
4. The District Magistrate, Gaya
5. The Assistant Settlement Officer, Gaya
6. The Superintendent of Survey, Gaya
7. The Sub Divisional Officer, Gaya Sadar, Gaya
8. The Circle Officer, Gaya Town, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Respondent/s : Mr. Abhimanyu Vatsa, AC to GA-3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-01-2016

Heard the parties.

Indisputably, lands in question bearing R.S. Plot Nos. 481, 482 and 483 have been recorded in the revisional survey khatiyani as 'Anawad Sarvasadhan'.

The learned counsel for the petitioner has fairly submitted that the aforesaid revisional survey khatiyani was prepared way back in the year 1989. However, it appears that an objection was filed under Section 9 of the Bihar and Orissa Municipal Act, which was also dismissed way back on 13.12.1989 vide Annexure-3. Thereafter, after delay of about 22 years, the petitioner, besides others, is said to have filed an appeal before the Superintendent of Survey, Gaya.

The learned State counsel appearing on behalf of the respondents, at the very outset, has submitted that so far the petitioner is concerned, he does not have any legal right over the lands in question, and the lands in question have been recorded as Anawad Sarvasadhan in the name of the State Government. He

further submits that the appeal filed on behalf of the petitioner, besides others, is hopelessly barred by limitation, since it has been filed after long 22 years. According to him, on these grounds, the writ petition is fit to be dismissed.

After having heard the parties and taking into consideration the materials available on the record, this Court finds that in the revisional survey proceeding, indisputably, the lands in question have been recorded as Anawad Sarvasadharan. The petitioner has not produced any document in support of his claim over the lands in question. The objection filed under Section 9 of the Bihar and Orissa Municipal Act was dismissed way back on 13.12.1989, which has attained its finality, since that order was not challenged within a reasonable period of time. The appeal under Section 15(1) of the Bihar and Orissa Municipal Act was filed in the year 2010 after long and unexplained delay of about 22 years. In that appeal, five persons were appellants, but excepting the petitioner other persons have not joined in the present proceeding. Therefore, the writ petition suffers not only from delay and laches, but also from non-joinder of the necessary parties.

In above view of the matter, this Court does not feel persuaded to accede to the prayer made on behalf of the petitioner in the present writ petition. It is, accordingly, dismissed.

However, the petitioner, if so advised, shall be at liberty to approach the Civil Court of competent jurisdiction for getting his right and title decided over the lands in question in accordance with law after impleading all the necessary parties including the State of Bihar.

Arvind/-

(Birendra Prasad Verma, J)

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