

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21165 of 2011

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Jamuna Prasad Son of Late Narsingh Prasad, Resident of Village-Madhuban Brit, At Present residing At Village-Rajepur, P.S.-Rajepur Mahesi, P.O. Rajepur, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Tirhut Division, Muzaffarpur.
2. The Additional Collector, Motihari.
3. Ram Deni Bhagat Son of Late Hailal Bhagat, Resident of Village-Rajepur, P.O. & P.S. Rajepur, Anchal Mahesi, District-East Champaran.
4. Ram Pravesh Prasad Son of Late Jhagru Bhagat, Resident of Village-Rajepur, P.O. & P.S. Rajepur, Anchal Mahesi, District-East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent No.1 & 2 :Mr.Dilip Kumar, AC to GA-3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 20-08-2016 Despite repeated calls, none appears on behalf of the petitioner in support of the present writ petition, though the names of the learned counsel appearing on his behalf are printed in the daily cause list.

The petitioner is aggrieved by the order dated 25.1.1993 passed in Revenue Revision Case No. 1 of 1992-93 by the respondent Additional Collector, East Champaran, Motihari, as contained in Annexure-1 to the writ petition, whereby the aforesaid mutation revision case filed on behalf of the respondent no.3 against the order dated 19.07.1991 passed by the appellate authority, was allowed and the Anchal Adhikari, Mehsi was directed to create Jamabandi in favour of the respondent no. 3 and 4 with respect to the lands in question.

The learned AC to GA-3, appearing on behalf of the respondent no. 1 and 2, submits that the impugned order was passed on 25.1.1993 in Revenue Revision Case No.1 of 1992-93 in which the present petitioner was also a party, but the present writ petition has been filed after a long delay of more than 18 years on 29.11.2011. According to him, in the whole writ petition no valid explanation has been furnished by the petitioner for approaching this Court after such a long delay of more than 18 years.

Submissions made by the learned State counsel appear to be correct.

Apparently, the writ petition suffers from delay and laches of more than 18 years. In above view of the matter, without going into the merits of the claims raised on behalf of the petitioner, the present writ petition is dismissed.

However, this shall not come in the way of the petitioner or his heirs, in case the petitioner is found to have died during the pendency of this application, to approach the civil court of competent jurisdiction by filing an appropriate civil suit, after impleading all the necessary parties including the private respondent no. 3 and 4, for getting his/her/their right, title and possession declared over the lands in question.

(Birendra Prasad Verma, J)

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