

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13056 of 2014

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1. Abdul Rahman S/o Late Kalimuddin
 2. Md. Shahid S/o Late Kalimuddin
 3. Md. Jalaluddin S/o Late Kalimuddin
 4. Alauddin S/o Late Kalimuddin

All are residents of Village Sonapur Malor, Police Station Barsoi,
District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar through D.M., Katihar.
 2. The Circle Officer, Barsoi Anchal, District Katihar.
 3. The Circle Inspector, Barsoi Anchal, District Katihar.
 4. The Halka Karamchari, Sudhani, Barsoi Anchal, District Katihar.
 5. Khaleda Khatoon W/o Late Md. Alam
 6. Khalique S/o Late Md. Alam
 7. Jalil S/o Late Md. Alam
 8. Salil S/o Late Md. Alam (minor) through his mother Khaleda Khatoon
- All are residents of Village Sonapur Malor, Police Station Barsoi, District
Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Fahimuddin, Advocate

For the Respondent Nos. 1 to 4: Mr. Ramadhar Singh, GP 25

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-08-2016

Heard.

The petitioners have filed the present writ petition under Article 226 of the Constitution of India assailing the validity and correctness of the order dated 13.06.1996 passed in 48D B.T.Act Case No. 01 of 1996-97 by the respondent Anchal Adhikari, Barsoi, as contained in Annexure-1 to the writ petition, whereby the claim raised by one Md.Alam, husband of respondent no.5 and father of respondent nos. 6 to 8, who is now dead, under Section 48D of The Bihar Tenancy Act, 1885 and the Rules made thereunder with respect to the lands in question, fully detailed in paragraph 4 of the writ petition, was allowed and aforesaid Md.Alam was declared raiyat over the lands in question.

Apparently, the impugned order was passed by the respondent Circle Officer way back on 13.06.1996, after giving an opportunity of hearing to the petitioners, which is evident from the ordersheet of the aforesaid case, which is part of Annexure-1 to the present writ petition and the present writ petition has been filed after a long and undue delay of more than 18 years on 31.07.2014. In the writ petition filed on behalf of the petitioners, no valid explanation has been furnished by them for approaching this Court in the present proceeding after such a long delay of more than 18 years. Furthermore, the order impugned was appealable, but no appeal was preferred on behalf of the petitioners before the prescribed appellate authority.

In the aforesaid factual matrices, this Court is of the opinion that the writ petition suffers from delay and laches. Furthermore, the impugned order has attained its finality since no appeal was preferred against the impugned order passed by the respondent Circle Officer.

For the reasons recorded above, the writ petition has to fail and is accordingly dismissed, but without costs.

(Birendra Prasad Verma, J)

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