

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13749 of 2007

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1. Birendra Singh son of Shri Jawahir Singh, resident of village Bahri, Police Station Bhagwanpur, District Kaimur (Bhabua)
 2. Ram Ekbal Singh son of Late Sheo Kumar Singh, resident of village Arari, police station Bhagwanpur, District Kaimur (Bhabua)
 3. Ram Prasad Singh son of Late Suraju Singh, resident of village Arari, police station Bhagwanpur, District Kaimur (Bhabua)
 4. Ram Surat Singh son of Late Nand Kumar Singh, resident of village Arari, police station Bhagwanpur, District Kaimur (Bhabua)
 5. Brahmanand Singh son of Shri Ram Bhog Singh, resident of village Arari, police station Bhagwanpur, District Kaimur (Bhabua)
 6. Jagarnath Baitha son of Late Ram Prit Baitha, resident of village Sawaj Kundi, police station Bhagwanpur, District Kaimur (Bhabua)
 7. Surendra Missir son of Shri Gomuti Missir, resident of village Dullahpur, police station Bhagwanpur, District Kaimur (Bhabua)
 8. Birendra Missir son of Shri Gari Shankar Missir, resident of village Dullaahapur, police station Bhagwanpur, District Kaimur (Bhabua)
 9. Rajendra Missir son of Late Anurudh Missir, resident of village Dullaahapur, police station Bhagwanpur, District Kaimur (Bhabua)
 10. Buchun Missir son of Late Ram Kishun Missir, resident of village Dullaahapur, police station Bhagwanpur, District Kaimur (Bhabua)

.... Petitioner/s

Versus

1. The State of Bihar
2. The Member, Board of Revenue, Bihar, Patna
3. The Additional Member, Board of Revenue, Bihar, Patna
4. The Collector, Kaimur at Bhabua
5. The Anchal Adhikari, Bhagwanpur
6. The Officer-in-charge, Bhagwanpur, District Kaimur (Bhabua)
7. Shio Parsan Ram son of Late Dhura Ram
8. Paras Paswan son of Late Ram Dhayan Ram
9. Gyan Ram son of Late Gurdeli Rak
10. Bihari Bind son of Late Jhgillu Bind
11. Chandu Paswan son of Late Deo Murat Ram
12. Most. Mungwa Kuer widow of Late Bhikhari Bind
13. Prasad Paswan son of Late Ghura Ram
14. Shri Prasad Ram son of late Ghura Ram

Respondent Nos. 7 to 14 are resident of Village Arari, Police Station Bhagwanpur, District Kaimur (Bhabua)

15. Barhu Ram son of Late Ramdhari Ram
 16. Shri Ram Ram Son of late Ghura Ram
 17. Tapeswar Ram son of Late Lal Muni Ram
 18. Ram Jagai Ram son of Late Ram Dhari Ram
- Respondent Nos. 15 to 18 are resident of Village Deura, Police Station Bhagwanpur, District Kaimur (Bhabua)
19. Ram Pati Ram son of Late Bhagwat Ram
 20. Chekhur Dhobi son of Late Kishun Dhobi
 21. Munshi Sharma son of Late Bhikhari Ram
 22. Tengar Dhobi son of Late Kishun Dhobi
 23. Jagat Narayan Paswan son of Late Chillar Paswan

24. Bihari Dhobi son of Late Bishwanath Dhobi
25. Ram Pravesh Paswan son of Shio Pujan Paswan
26. Aniruth Ram son of Late Ram Lakhan Ram
27. Tilakdhari Kahar son of Late Dashrath Kahar
28. Ram Bachan Chamar son of Late Dasrath Chamar
29. Ram Ashish Dhobi son of Titak Dhobi
30. Teju Ram son Late Gaya Ram
31. Bigan Kahar son of Late Sobhu Kahar
32. Bhukhan Ram son of Late Sobhu Kahar
33. Ram Surat Dhobi son of Late Mithu Dhobi
Respondent Nos. 19 to 33 are residents of village Shioipur
Padma Dihri, Police Station Bhagwanpur, District Kaimur (Bhabua)
34. Shri Kundal Kumar Singh son of Late Ramadhas Singh
35. Smt. Chamcham Devi wife of Shri Gouri Shankar Singh
Respondent Nos. 34 and 35 are residents of Village Sonhan,
Police Station Sonhan, District Kaimur
36. Smt. Dropdi Devi wife of Shri Birendra Singh, resident of
Village Kir, Police station Sonhan, District Kaimur (Bhabua)
.....Respondent/

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Appearance :

For the Petitioner/s : Mr. Achhaibar Singh, Advocate
For the Respondent Nos. 1 to 6 : Mr. Raju Giri, GP 30
Mr. N.K.Agrawal, AC to GP 30
For the Respondent Nos. 7 to 15: Mr.A.P.Ambastha, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

12 19-04-2016

Heard the parties.

The petitioners are aggrieved by the interim order dated 12.04.2007 passed in Board Case No. 12 of 2007 by the respondent Additional Member, Board of Revenue, Bihar, Patna as contained in Annexure-8, whereby all the proceedings in the court below have been stayed.

Indisputably, aforesaid Board Case No. 12 of 2007 is still pending for final adjudication by the Board of Revenue. If the petitioners are at all aggrieved by the aforesaid order of stay, then they ought to have appeared before the Board of Revenue and could have filed a petition for vacating the aforesaid order of stay or could have filed a petition for modification of that order, but that has not been done by them and they have straight away come

to this Court for quashing the aforesaid order of stay, which is completely misconceived and untenable.

In above view of the matter, the present writ petition is dismissed. However, the petitioners, if so advised, may appear before the Board of Revenue, Bihar, Patna, in the aforesaid pending Board Case No. 12 of 2007 and they shall be at liberty to make a prayer for grant of appropriate relief in the aforesaid Board Case No. 12 of 2007 on the basis of the pleas raised in the present proceeding.

It goes without saying that if the petitioners appear before the Board of Revenue in the aforesaid pending Board Case No. 12 of 2007, then their claim shall also be considered appropriately in accordance with law

The order of stay passed by a Bench of this Court by order dated 12.11.2007 is hereby vacated.

(Birendra Prasad Verma, J)

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