

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11608 of 2007

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1. Mohiuddin
2. Jahiruddin @ Zahiruddin, both sons of late Imamudin
3. Mohd. Farid
4. Mohd. Faiyaz Alam
5. Bibi Wakila
All sons and daughter of late Saidur Rahman
6. Md. Mustaque
7. Md. Rasul
Both sons of late Tajamul Hassan
8. Bibi Saira, wife of Sk. Sikandar
9. Bibi Kaniya, wife of Abdul Khalilique
10. Bibi Khajuran, wife of Mokimuddin
11. Bibi Hajun, wife of Ranjim
All resident of village Milik Tola, P.S.-Baisi, District-Purnia
12. Khurshaid Alam
13. Murshid Alam, both sons of late Manzur Alam
14. Mansur Alam
15. Jamshed Alam
16. Anwar Alam
17. Bibi Hashina
18. Bibi Sakina
19. Bibi Salma
All sons and daughters of late Hashimuddin
All petitioner nos.1 to 19 are resident of Kumharwa, P.S.-Baisi, District-Purnia. Petitioner/s

Versus

1. The State of Bihar
2. The Sub-Divisional Officer, Baisi, in the District of Purnia.
3. The Circle Officer, Baisi Anchal in the District of Purnia.
4. Mohammad Farman, son of late Sadir, resident of village-Harintar, P.S.-Baisi, District-Purnia.
5. Bishwanath Sadhu, son of Ram Santosh Sadhu, resident of Basbariya, District-Hoogly, at present resident of Malagola, P.S.-Baisi, District-Purnia.
6. Jai Prakash Sadhu, son of Babulal Sadhu, resident of village-Mala, P.S.-Baisi, District-Purnia. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Sufiyan
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 02-08-2016 The petitioners are aggrieved by the order dated 25.05.1995 passed in Case No.30 of 1993-94 by the respondent Anchal Adhikari, Baisi, as contained in Annexure-1 to the writ petition, whereby petition filed on behalf of the petitioners and/or their ancestors under Section 48-D of the B.T. Act with respect to

10 decimals of land, out of total disputed area of 47 decimals, was rejected. However, their claim with respect to remaining 37 decimals of land has been allowed. The petitioners, being aggrieved by the impugned part of the aforesaid order dated 25.05.1995 (Annexure-1) preferred an appeal before the S.D.O., Baisi (Purnia) under Section 48-D of the B.T. Act giving rise to Revenue Appeal Case No.1 of 1995-96, which was finally heard and dismissed by a reasoned and speaking order dated 11.11.1997 (Annexure-2) and the original order passed by the respondent Circle Officer was affirmed.

In the present case, admittedly, the claims raised on behalf of the petitioners under Section 48-D of the B.T. Act with respect to 10 decimals of land was rejected by a reasoned and speaking order dated 25.05.1995 (Annexure-1), which was affirmed by the appellate order dated 11.11.1997 (Annexure-2). The appeal preferred on behalf of the petitioners against the original order was dismissed way back on 11.11.1997 and the present writ petition has been filed after undue and unexplained delay of about 10 years on 06.09.2007. Apparently, the present writ petition suffers from delay and laches on the part of the petitioners. No valid explanation has been given by the petitioners in the whole writ petition for filing the present writ petition after such a long delay of almost 10 years against the final order passed by the appellate authority in the appeal preferred on behalf of the petitioners.

In that view of the matter, on the ground of delay and laches itself, the writ petition has to fail and is, accordingly, dismissed, but without costs.

Arvind/-

(Birendra Prasad Verma, J)

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