

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14893 of 2013

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Satish Patwa Son Of Late Rajendra Patwa Resident Of Village- Sadapur Mahua,
P.S. Mahua, District- Vaishali.

.... Petitioner/s

Versus

1. Jainendra Prasad Patwa Son Of Late Ramnawmi Lal Patwa
2. Ravindra Prasad Patwa Son Of Late Ramnawmi Lal Patwa
3. Ramesh Prasad Patwa Son Of Late Ramnawmi Lal Patwa
4. Om Prakash Patwa Son Of Late Jogendra Patwa
5. Jai Prakash Patwa Son Of Late Jogendra Patwa
6. Raghunath Patwa Son Of Late Juyalal Patwa
7. Lal Babu Patwa Son Of Late Mahendra Patwa all Resident Of Village- Sadapur Mahua, P.S. Mahua, District- Vaishali
8. The State Of Bihar Through The Collector, Vaishali At Hajipur
9. Satendra Patwa Son Of Late Rajendra Patwa
10. Shankar Patwa Son Of Late Rajendra Patwa both Resident Of Village- Sadapur Mahua, P.S. Mahua, District- Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Adv.
For the State : Mr. Vivek Prasad G.P.-7
Mr. S.K. Saraf, A.C. to G.P.-7

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 15-12-2016

Heard learned counsel for the petitioner.

This application has been filed on 01.08.2013 questioning
the legal sustainability of the order dated 26.07.2012.

From the materials on record as well as orders passed by
the learned court below in T.S. No. 57 of 1999 the fact is apparent that



the suit was filed for declaration of title of the plaintiff over the suit land. The petitioner who was defendant no. 3 in the suit filed a petition on 10.07.2003 praying for dismissal of the suit as not maintainable under the provision of Section 4 (B) of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956. This petition was not pressed by the petitioner for long eight years and was dismissed thereafter. The petitioner then filed another petition for the same relief on 21.09.2011 which was dismissed by the impugned order dated 26.07.2012. However, the matter does not appear to have ended there as it further transpires from the order dated 17.01.2013 (Annexure-3) that on 10.09.2012, the petitioner again filed another petition for the same relief. By order dated 17.01.2013, the learned court below rejected the said petition on the basis of the earlier order dated 26.07.2012.

In the present application, the order dated 17.01.2013 (Annexure-3) has not been challenged and only the order dated 26.07.2012 has been challenged. It is, therefore, apparent that the order dated 17.01.2013 which was passed on the petition dated 10.09.2012 filed by the petitioner for the same relief has attained finality. There is evidently considerable delay of nearly one year in making the prayer for quashing the order dated 26.07.2012 and this Court is not inclined, in the facts and circumstances as above referred, to invoke the



jurisdiction under Article 227 of the Constitution of India.

The application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2016
Transmission Date	

