

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15435 of 2013

IN

C.R. 1183 of 2009

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Lalita Devi daughter of Kumri Devi and Bacha Mishra.

2. Abhisek Mishra

3.Umesh Mishra.

4.Rohini Kant Mishra

Sl. No. 2 to 4 sons of Bacha Mishra.

All resident of Narayanpur, P.S. Hatadih, District Buxar.

....(Plaintiffs) Petitioners

Versus

Mahesh Dutt Upadhyay

2.Ramdatt Upadhyay

Both sons of Late Keshri Upadhyay.

3.Tunna Upadhyay

4.Bhukho Upadhyay

5.Munna Upadhyay

Sons of Sri Mahesh Datt Upadhyay.

6.Dabloo Upadhyay

7.Lallu Upadhyay

8.Babloo Upadhyay

All r/o Narayanpur P.S. Itarhi, District Buxar.

9.Shyam Bihari Upadhyay

10.Birjbihari Upadhyay

11.Harendra Upadhyay

sons of late Har Singh Upadhyay.

12.Sanjay Upadhyay s/o Late Sukhdeo Upadhyay

13.Gopal Upadhyay s/o Late Indra Deo Upadhyay.

Sl No. 9 to 13 R/O Narayanpur, P.S. Itarhi, District Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. MALLIKA MAZUMDAR, Adv

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 17-01-2017

Heard Ms. Mallika Mazumdar, learned counsel for the
petitioners.

Questioning the legal sustainability of the impugned



order by which the learned court below has passed the impugned order abating the suit under Section 4(c) Bihar Consolidation Of Holdings And Prevention Of Fragmentation Act, 1956, the present application under Article 227 of the Constitution of India has been filed.

After considering the submissions and perusal of the impugned order, it manifest that the court below has come to the conclusion on the basis of the material adduced before it that there is no de-notification under Section 26(A) of Bihar Consolidation Of Holdings and Prevention Of Fragmentation Act, 1956, and in that circumstance the court below has come to the conclusion that the suit has abated.

This Court has not been persuaded to find any illegality or irregularity in the impugned order. The application is accordingly dismissed.

(V. Nath, J)

Ranjan/-

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CAV DATE	
Uploading Date	
Transmission Date	

