

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1388 of 2014

IN

Civil Writ Jurisdiction Case No. 3509 of 2014

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Gopi Nath Tuddu son of late Dulla Tuddu resident of village Kajara, Tola Dohiya Bari, P.S. Mirganj, Distt. Purnea.

.... Appellant

Versus

1. The State of Bihar through the Collector Purnea.
2. The Deputy Collector, Land Reforms, Dhamdaha, Distt. Purnea.
3. Fekan Mandal
4. Suresh Mandal Both are sons of Hari Mandal resident of Village Bhangaha, P.S. Falka, Distt. Katihar.
5. Chinti Devi wife of late Satya Narayan Mandal
6. Subhash Prasad Mandal son of late Satya Narayan Mandal
7. Anil Kumar Mandal son of late Satya Narayan Mandal
8. Manoj Kumar Mandal son of late Satya Narayan Mandal
9. Pappu Kumar Mandal Minor son of late Satya Narayan Mandal through his mother Chinti Devi the natural guardian.
10. Sabita Devi daughter of late Satya Narayan Mandal.
11. Anita Devi D/o late Satya Narayan Mandal All are resident of Village Kajra, P.S. Mirganj, Distt. Purnea.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Ajit Kumar Singh, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 04-05-2017

By a common order dated 13.05.2014 six writ applications were clubbed together because they arose out of same identical question of fact and kind of common order emanating from the level of the D.C.L.R. as well as the Collector, Purnea. Since the appeal of the present appellant was also dismissed by the Collector, who refused to hold him *under raiyats (Bataidaar)*, the writ



application came to be preferred. The learned single Judge went through the order of the D.C.L.R. as well as the Collector and agreed with the concurrent finding that there was no adequate materials and evidence to hold and declare that the appellant was a *Bataidaar*.

When concurrent findings being what they are and nothing new emerging even in the memo of appeal, which can knock out those findings, the affirmance of the orders of the D.C.L.R. and the Collector and refusal to interfere with the same by the learned single Judge cannot be said to be bad law.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.05.2017
Transmission Date	N/A

