

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6968 of 1992

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1. Sri Ashok Kumar
2. Sri Ajit Kumar, both sons of Sheolochan Prasad Singh, resident of
village-Manjhaul, P.S. Chena Bariarpur, District Begusarai
..... Petitioner/s

Versus

1. The State of Bihar & Ors.
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Sharma
For the Respondent/s : Mr. (SC8)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

21 15-02-2018 Heard both sides.

Petitioners filed I.A. No.1075 of 2018 to expunge the name of respondent No.8(a) namely Angulia Devi, wife of Asho Yadav who died on 27.12.2015. It is submitted that there is no known family members or legal heirs of Angulia Devi who are required to be substituted in place of her.

The learned counsel for the respondents did not raise any objection.

I.A. No.1075 of 2018 is allowed. Let the name of Angulia Devi, respondent No.8(a) be expunged.

Heard learned counsel for the petitioners, learned counsel for the State as well as learned counsel appearing on behalf of the respondent No.6. Nobody appears on behalf of respondent Nos.7(a)(i) and 7(a)(ii).



The respondents filed petition under Section 48(e) of the B.T. Act being Bataidari Case No.152 of 1991 and the D.C.L.R. vide order dated 05.06.1992 found that the claim of the respondents of being under raiyat of the land of the petitioner are not found correct and accordingly, dismissed the aforesaid bataidari case. The respondents preferred Bataidari Appeal No.19 of 1992. The Collector allowed the appeal and remitted the case to the Sub Divisional Officer for constituting a Board under Section 48(e) of the B.T. Act vide order dated 03.07.1992.

Learned counsel for the petitioner submits that the order of the Collector does not give any reason for allowing the appeal.

On perusal of the order as contained in Annexure 2, I find that the order of the Collector is non-speaking and sans any reasoning. On this ground alone, the order is not sustainable. Accordingly, the order dated 03.07.1992 is set aside and the matter is remitted to the Collector to hear both sides and decide the appeal afresh after recording reasons.

Accordingly, this writ petition is allowed.

(Prabhat Kumar Jha, J)

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