

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1198 of 2017

In
Civil Writ Jurisdiction Case No.16484 of 2014

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1. Ramchij Bhagat
 2. Indal Bhagat @Inal Bhagat
 3. Ram Channar Bhagat, all 1 to 3 are sons of late Indrasan Bhagat
 4. Jagar Nath Yadav S/o Ram Jatan Chaudhary
 5. Bandhan Bhar
 6. Mundrika Bhar, both 5 & 6 are Sons of Kisun Bhar
- All are residents of Village:- Samhuti Tola Charakhiya Math:
P.S. Bijaipur, Distt.- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar.
 2. The Collector Gopalganj.
 3. The Sub Divisional Officer, Hathwa.
 4. The Circle Officer, Bijaypur Anchal, District Gopalganj.
 5. Dwarika @ Daroga Musahar S/o Jaysaree Musahar
 6. Gorakh Musahar S/o Ramdhari Musahar
 7. Amawas Musahar S/o Harihar Musahar
 8. Most. Dupati Devi W/o Fulena Musahar and Mother of Daroga Musahar
 9. Nathuni Musahar S/o Timal Musahar
 10. Singhasan Musahar S/o Timal Musahar
 11. Banka @ Bunka Musahar S/o Lakhan Musahar
 12. Visoranjana Musahar S/o
- Respondents No. 5 to 12 are resident of Village- Sarupati P.S. Bijaipur,
District Gopalg2017anj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prakritita Sharma
For the Respondent/s : Mr. Md. Khurshid Alam - Aag12

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 18-05-2018

Heard counsel for the appellants and counsel for the
State.

Perused the impugned order dated 23.09.2016, passed in
CWJC No. 16484 of 2014.



The learned Single Judge has rightly dismissed the writ application for the following reasons:

“8. After having heard the parties and taking into consideration the materials available on the record, this Court finds that there is no dispute that in the light of the order and direction dated 04.03.1997 passed in CWJC No. 3167 of 1994, as contained in Annexure-12, the petitioners and others filed their fresh application under Section 22 of the Act claiming therein that they were the under raiyats over the lands in question prior to their declaration as surplus lands of the landholder. On the basis of the petition filed on behalf of the petitioners, Miscellaneous (Ceiling) Case No. 13 of 1995 was registered by the respondent District Collector, Gopalganj. The petitioners and other claimants were heard and finally by the impugned order dated 09.11.1999 their claims under Section 22 of the Act was rejected. This Court is of the opinion that for determining the claim of the petitioners that they were bataidars/ under raiyats over the lands in question prior to their declaration as surplus lands, the landholder would be necessary party, but in the present writ petition he has not been impleaded as party respondent.



Furthermore, the impugned order was passed on 09.11.1999, but the present writ petition has been filed on 18.09.2014 i.e. after a delay of about 15 years. No valid explanation has been furnished by the petitioners for such a huge delay. Apparently, the writ petition suffers from delay and laches on the part of the petitioners.”

Reasons so given by the learned Single Judge in the above quoted paragraph of the impugned order are sound reasons for not entertaining the writ application.

We do not feel that a case is made out for any kind of interference with the order dated 23.09.2016.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/Pragya

AFR/NAFR	NAFR
CAV DATE	NA
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