

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5397 of 2019

1. Deo Narayan Singh,
2. Satya Narayan Singh
3. Devanand Singh

All son of Late Sakaldeo Singh, resident of Village and P.O.-Sisia, P.S.-Korha, Dist-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Deptt. of Revenue, Govt. of Bihar, Patna.
2. The Collector, Katihar, Dist-Katihar.
3. The D.C.L.R., Katihar, Dist-Katihar
4. The Anchaladhikari, Korha, P.S.-Korha, Dist-Katihar.
5. Ganesh Pd. Singh, Son of Late Nandlal Singh
6. Jibachh Lal Singh, Son of Late Bishwanath Singh
7. Chandrika Singh, Son of Late Brahmdeo Singh
8. Pradeep Pd. Singh, Son of Late Badri Pd. Singh and grandson of Mahavir Singh

All Resident of Vill-Mahinathpur, P.O.-Sisia, P.S.-Korha, Dist.-Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Narayan Singh, Sr. Adv
For the Respondent/s	:	Mr. Akhilesh Kumar Sinha, AC to SC 19

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 27-03-2019 Heard Mr. Narayan Singh, learned Senior Counsel, appearing on behalf of the petitioners and Mr. Akhilesh Kumar Sinha, learned Assistant Counsel to Standing Counsel No. 19 for the State of Bihar.

The petitioners have put to challenge an order, dated 04.01.2019, passed, by the Chairman, Bihar Land Tribunal,



Patna (in short, 'the Tribunal'), in B.L.T. Case No. 618 of 2018. It is evident from the pleadings on record that the petitioners had filed an application under Section 48 (D) of the Bihar Tenancy Act, 1885 (hereinafter referred to as 'the Act') for declaration of acquisition of their raiyati status over the land on the ground of having remained in continuous possession of the land in question for more than 12 years as *Sikmidar*. Admittedly, the landlord was not impleaded as party-respondent in the proceeding before the Circle Officer.

Considering the fundamental lacuna from the very beginning of the petitioners' claim under Section 48 (D) of the Act, the Chairman of the Tribunal has refused to interfere with the orders passed by the revenue authorities. The Tribunal has, however, granted liberty to the petitioners to seek remedy in accordance with law before the appropriate authority.

I do not find any reason to interfere with the order of the Tribunal, which does not suffer from any infirmity or error.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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