

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14384 of 2019

-
1. Md. Islam Khan @ Md. Islam Son of Late Abdul Kalam Resident of Village-Rani Sagar, P.S.-Shahpur, District-Bhojpur
 2. Md. Ekbal Khan Son of Late Abdul Kalam Resident of Village-Rani Sagar, P.S.-Shahpur, District-Bhojpur
 3. Abdul Kayum Khan Son of Late Abdul Kalam Resident of Village-Rani Sagar, P.S.-Shahpur, District-Bhojpur
 4. Md. Khurshid Khan @ Khurshid Khan Son of Late Abdul Kalam Resident of Village-Rani Sagar, P.S.-Shahpur, District-Bhojpur
 5. Mobarak Son of Late Abdul Kalam Resident of Village-Rani Sagar, P.S.-Shahpur, District-Bhojpur

... .. Petitioners

Versus

1. The State of Bihar
2. The Divisional Commissioner Patna Division, Patna
3. The Collector Bhojpur, District-Bhojpur at Ara
4. The Deputy Collector Land Reforms, Bhojpur, District-Bhojpur at Ara
5. The Circle Officer (Anchal Adhikari) Bihia, P.S. Bihia, District-Bhojpur at Ara
6. Kedar Hazam Son of Late Bhola Hazam Resident of Village-Rani Sagar, P.S.-Shahpur, District-Bhojpur at Ara
7. Lal Mohar Hazam Son of Late Bhola Hazam Resident of Village-Rani Sagar, P.S.-Shahpur, District-Bhojpur at Ara
8. Narad Hazam Son of Late Bhola Hazam Resident of Village-Rani Sagar, P.S.-Shahpur, District-Bhojpur at Ara
9. Bharat Hazam Son of Late Bhola Hazam Resident of Village-Rani Sagar, P.S.-Shahpur, District-Bhojpur at Ara

... .. Respondents

Appearance :

For the Petitioners : Mr. Md. Anis Akhtar, Advocate
For the Respondent State: Mr. Majid M. Khan, AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 01-08-2019 An inconsequential observation, made by a Division Bench of this Court, in the order, dated 25.04.2011, passed in L.P.A. No. 1174 of 2001 and L.P.A. No. 1469 of 2009, while



dismissing the Letters Patent Appeal of the petitioners, is the basis for the petitioners to have approached this Court by filing the present writ application after having lost again in the Court of the Additional Collector, Bhojpur, Ara, and the Bihar Land Tribunal, Patna.

The Letters Patent Appeals were preferred by the petitioners against orders, dated 23.08.2001, passed in C.W.J.C. No. 9990 of 2001 and dated 13.10.2009 passed in C.W.J.C. No. 11810 of 2009, whereby the claim of the petitioners against grant of *Basgit Parcha* in favour of private respondents was dismissed on the ground of inordinate delay and laches. The Division Bench, after having recorded the opinion that the petitioners had sought modification of an order after 12 years of passing of an order in C.W.J.C. No. 8327 of 1994, concluded that the order passed in writ proceeding did not require any interference.

Faced with dismissal of the appeals by the Division Bench, they sought a liberty from the Court to make appropriate representation before the District Magistrate for passing appropriate order in accordance with law after affording opportunity of hearing to the parties, without being influenced by any order passed by this Court.



It was in the background of the said observation that the petitioners filed a representation before the Collector, Bhojpur, Ara, giving rise to Misc. Appeal No. 34 of 2012-13, which came to be dismissed by an order dated 26.10.2018. Against the order dated 26.10.2018, the petitioners filed an application before the Bihar Land Tribunal, giving rise to B.L.T. Case No.46 of 2019, which has also been dismissed by an order dated 15.01.2019. The orders passed by the Collector, Bhojpur, dated 26.10.2018 and learned Chairman, Bihar Land Tribunal, dated 15.01.2019, are being assailed in the present writ application.

I have heard Mr. Md. Anis Akhtar, learned counsel appearing on behalf of the petitioner and Mr. Majid M. Khan, learned A.C. to AAG-12.

The narration of relevant facts in the impugned order passed by the learned Chairman, Bihar Land Tribunal, is not in dispute. Evincibly, by orders dated 18.11.1981/03.12.1982 passed by the Circle Officer, Bihiya, *parchas* were issued in favour of respondents No. 6 to 9 under the Bihar Privileged Persons Homestead Tenancy Act, 1947, in respect of Plot Nos. 280 and 282. Subsequently, after having noticed an error, in place of Plot No. '280', '281' was substituted under the orders



of this Court dated 27.01.1997 passed in C.W.J.C. No. 8327 of 1994. Names of respondents No. 6 to 9 were mutated and entered in the consolidation records of rights. The petitioners approached this Court by filing two writ applications giving rise to C.W.J.C. No. 9990 of 2001 and C.W.J.C. No. 11810 of 2009 seeking modification of the order passed by this Court dated 27.01.1997 in C.W.J.C. No. 8327 of 1994, on the basis of which Plot number was modified from '280' to '281', in respect of which *parchas* were issued. The writ applications were dismissed. C.W.J.C. No. 9990 of 2001 was dismissed by an order dated 23.08.2011 against which L.P.A. No. 1174 of 2001 was filed. C.W.J.C. No. 11810 of 2009, as has been indicated above, was dismissed by an order dated 13.10.2009, against which L.P.A. No. 1469 of 2009 was filed. In both the writ applications, the petitioners had questioned the correctness of substitution of Plot No. '281' in place of '280'.

Be it noted that the said substitution was done under the orders of this Court dated 27.01.1997 passed in C.W.J.C. No. 8327 of 1994, which was filed by the predecessors-in-interest of respondents No. 6 to 9 (wrongly mentioned in the impugned order passed by the Tribunal as petitioners). The order dated 27.01.1997 passed in C.W.J.C. No. 8327 of 1994



has attained finality inasmuch as subsequent plea for modification of the said order has been turned down by this Court by order dated 23.08.2001 and 13.10.2009 passed in C.W.J.C. No. 9990 of 2001 and C.W.J.C. No. 11810 of 2009. The appeals, too, under the Letters Patent of this High Court, have been dismissed.

In the aforesaid background, the Tribunal has rightly refused to entertain the plea of these petitioners. I do not find any illegality in the impugned order, in the background of above noted facts.

This writ application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

Pawan/-

U			
---	--	--	--

