

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23712 of 2019

1. Premchand Sah, aged about 87 years, Male, S/o Late Molai Sah, Resident of Ward No. 02, P.O.- Haripur, Anchal + P.S.- Forbesganj, Distt.- Araria.
2. Umesh Lal Sah, aged about 67 years, Male, S/o Late Molai Sah, Resident of Ward No. 02, P.O.- Haripur, Anchal + P.S.- Forbesganj, Distt.- Araria.
3. Krityanand Sah, aged about 56 years, Male, S/o Late Molai Sah, Resident of Ward No. 02, P.O.- Haripur, Anchal + P.S.- Forbesganj, Distt.- Araria

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reform Department, Govt. of Bihar, Patna
2. The Member Administrative, Bihar Land Tribunal, Patna
3. The District Magistrate, Araria
4. The Sub Divisional Officer, Forbesganj
5. The Circle Officer, Forbesganj
6. Mallu Sah, S/o Late Tetan Sah, Resident of Village Haripur, Ward No. 02, P.O.- Haripur, P.S. + Block- Forbesganj, Distt.- Araria.
7. Pramod Sah, S/o Mallu Sah, Resident of Village Haripur, Ward No. 02, P.O.- Haripur, P.S. + Block- Forbesganj, Distt.- Araria.
8. Subodh Sah, S/o Mallu Sah, Resident of Village Haripur, Ward No. 02, P.O.- Haripur, P.S. + Block- Forbesganj, Distt.- Araria

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Sriprakash Srivastava, Advocate Mr. Jyoti Shankar, Advocate Ms. Apoorva Jyoti, Advocate Mr. Pradip Kumar Sinha, Advocate
For the State	:	Mr. Birendra Prasad Singh, A.C. to S.C.19

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-11-2019 Heard Mr. Sriprakash Srivastava, the learned counsel
appearing on behalf of the petitioners and the learned S.C.19.

The petitioners by filing this writ petition seek
quashing of the order dated 11.09.2019 (Annexure-6), passed by
the Member Administrative, respondent no.2 in B.L.T. Case



No.194 of 2017 by which the learned Member Administrative, Bihar Land Tribunal set aside the order dated 30.09.2016, passed by the Sub-divisional Officer, Forbesganj, respondent no.4 in Appeal Case No.09/2014-15.

Learned counsel for the petitioners submits that Mallu Sah filed Title Suit No.226 of 1960 in the court of Munsif, Araria, Purnea and he was declared as Sikmidar of the lands of Khata No.122 and Khata No.412. On the basis of the order, Mallu Sah filed petition before the Circle Officer, Forbesganj, Araria and the Circle Officer by order dated 08.12.1999 declared him as Sikmidar. Bado Mehta, the landlord filed appeal before the S.D.O., Forbesganj under Section 48D of the B.T. Act against the order dated 08.12.1999. The appeal was dismissed on 18.01.2003. The petitioner again filed appeal under Section 48D of the B.T. Act in the court of S.D.O., Forbesganj against the order dated 08.12.1999, passed by the Circle Officer and the S.D.O., Forbesganj by order dated 30.09.2016 (Annexure-3) not only set aside the order dated 18.01.2003, passed by the S.D.O., Forbesganj as well as the order dated 08.12.1999, passed by the Circle Officer under Section 48D of the B.T. Act declaring the respondents no.6 to 8 as Bataaidar but also reviewed the order dated 18.01.2003, passed by the S.D.O., Forbesganj in appeal



preferred by the former landlord under Section 48D of the B.T. Act. The Member Administrative, Bihar Land Tribunal has illegally set aside the order passed by the S.D.O. on 30.09.2016 on the ground that the S.D.O. has got no power to review his own order passed on 18.01.2003.

I find no substance in the submissions of the learned counsel for the petitioners. Admittedly the petitioners are not parties to the case filed by Mallu Sah either in the court of Munsif, Araria or in the case filed by him before the Circle Officer under Section 48D of the B.T. Act but Bado Mehta, the landlord preferred appeal under Section 48D of the B.T. Act against the order dated 08.12.1999 passed by the Circle Officer declaring the respondents no.6 to 8 as Sikmidar. The S.D.O., Forbesganj by order dated 18.01.2003 dismissed the appeal. After many years, the petitioners filed petition before the S.D.O. for setting aside the order of the S.D.O. passed on 18.01.2003 in Bataaidar Appeal preferred under Section 48D of the B.T. Act against the order passed by the Circle Officer on 08.12.1999. The S.D.O. has got no jurisdiction to review his own order. The Member Administrative, Bihar Land Tribunal has rightly set aside the order dated 30.09.2016, passed by the S.D.O., Forbesganj, Araria.



Having considered the facts, I do not find any merit in this writ petition. Accordingly, the writ petition is dismissed.

However, it is made clear that the petitioners, who were not parties either before the Circle Officer, who declared the respondents no.6 to 8 as Bataaidar nor in appeal preferred by Bado Mehta before the S.D.O., Forbesganj, who dismissed the appeal on 18.01.2003 and, therefore, the order is not binding on the petitioners. The petitioners, if so advised, may resort to proper remedy by filing fresh petition before the appropriate court.

(Prabhat Kumar Jha, J)

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