

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10813 of 2020

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1. Haldhar Mahto son of Late Utim Lal Mahto resident of Village Raghunathpur, P.S.- Bhargama, District- Araria.
 2. Jagadhar Mahto son of Late Utim Lal Mahto resident of Village Raghunathpur, P.S.- Bhargama, District- Araria.
 3. Khatri Devi wife of Late Utimlal Mahto resident of Village Raghunathpur, P.S.- Bhargama, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms and Department, Patna.
2. The Sub- Divisional Officer, Forbesganj, Araria.
3. The Circle Officer, Bhargama.
4. Lutan Mahto son of Choubi Mahto resident of Village Raghunathpur, P.S.- Bhargama, District- Purnea.
5. Narayan Mahto son of Late Mukund Mahto resident of Village Raghunathpur, P.S.- Bhargama, District- Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Nath Jha, Advocate Mr. Bijendra Kumar Singh, Advocate
For the State	:	Mr. Raj Kishore Roy, GP-18 Mr. Navnit Kumar, AC to GP-18
For the respondents	:	Mr. Vivekanand Vivek, Advocate Mr. Debesh Kr. Poddar, Advocate Mr. Rang Nath Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

10 28-02-2024 Heard learned counsel for the petitioners, State
and respondent nos. 4 and 5.

2. The petitioners have prayed for the following
reliefs:

(i) for setting aside the judgment and order



dated 09.01.2019 passed by Hon'ble Chairman, B.L.T., Patna in B.L.T. Case No. 317 of 2017, whereby he has affirmed the judgment and order dated 03.02.2017 passed by the S.D.O., Forbesganj in Case No. 02 of 2014-15 and order dated 09.04.2014 passed by 'Anchal Adhikari', Bhargama in Case No. 14 of 2013-14 u/s. 48 "D" of the B.T. Act and dismissed the contention of the petitioners illegally without any cogent reasoning assigned thereto.

2. The petitioners have lost the case on every stage, before the Circle Officer, Bhargama in Case No. 14 of 2013-14, the Sub-divisional Officer, Forbesganj in Case No. 02 of 2014-15 and before the Bihar Land Tribunal in B.L.T. Case No. 317 of 2017.

3. The BLT in its short order has incorporated all the facts and read as follows:

The Bihar Land Tribunal, Patna

B.T.T. Case No. 817 of 2017

- 1. Haldhar Mahto S/o Late Utim Lal Mahto*
- 2. Jagdhar Mahto S/o Late Utim Lal Mahto*
- 3. Khatri Devi W/o S/o Late Utim Lal Mahto*

All resident of village Raghunathpur, P.S.



Bhargama, District Araria.

Petitioners

Versus

1.The State of Bihar

2. The Sub-Divisional Officer, Forbesganj, Araria

3 The Circle Officer, Bhargama

4.Lutam Maht S/o Late Chaubi Mahto

5. Narayan Mahto S/o Late Mukund Mahto

Both of village Raghunathpur, P.S.-Bhargama,

District- Araria.

Opp.

Parties

*Counsel for the petitioners: Mr. Binod Kumar
Yadav, Advocate*

*Counsel for the State opposite parties Mr. Dilip
Kumar, A.G.P*

PRESENT

(HON'BLE THE CHAIRMAN)

Heard learned counsel for the petitioners

*Nobody appears on behalf of the opposite party
Nos. 4 and 5.*

*2. After considering the submission on behalf of
the petitioners, it is evident that the opposite parties nos. 4
and 5 filed application under Section 48D of B.T. Act for
declaration of their status as raiyat over the land in question
claiming to have acquired right of occupancy under raiyat*



over the land in question. The Circle Officer after obtaining the enquiry report from the Halka Karmchari and Circle Inspector has come to the conclusion that the opposite party nos. 4 and 5 are entitled to have the declaration of acquisition of raiyati right over the land in question. Accordingly the prayer has been allowed. The petitioners thereafter filed appeal before the S.D.O. in accordance with law/rules. The appellate court after hearing the parties and after scrutiny of the materials and evidence on record has passed the impugned order holding that the opposite party Nos. 4 and 5 are in possession over their portion of the land with regard to which the declaration in their favour under Section 48D of the B.T. Act has been granted

3. Learned counsel for the petitioners has submitted that the petitioners were not heard before the Circle Officer. It has also been argued that according to the genealogy of the family of the petitioners and the opposite party Nos. 4 and 5, such declaration could not have been granted in favour of opposite party Nos. 4 and 5.

4. However, from perusal of the order of the Circle Officer, it appears that the petitioners had appeared before the Circle Officer and had produced the sale deed and rent



receipt. In this view of the matter, this court finds no substance in the submission on behalf of the petitioner that they had not been heard before the Circle Officer. The reasoning assigned by the appellant court do not suffer for illegality or perversity.

5. This application is accordingly dismissed.

(V. Nath)
Chairman

The Bihar Land Tribunal, Patna
The 9th day of January, 2019.

4. This Court is satisfied with the observation made by the BLT while dismissing the case of the petitioners vide an order dated 9.1.2019, the writ petition is accordingly, dismissed.

5. The writ petition stands dismissed.

I.A. No. 01 of 2024:

In the instant interlocutory application, the petitioners have prayed for adding/modifying their prayers by bringing on records certain important facts, which were inadvertently could not be brought on record before the authorities below and or before the Hon'ble Court earlier, though they are relevant for adjudicating the present case.

2. Learned counsel for the respondent nos. 4 and 5 submits that at no stage, this point was taken up by the



petitioners and as such he cannot be allowed to take it up at writ stage specially by way of an Interlocutory Application.

3. In view of the fact that the main writ petition stands dismissed, the I.A. No. 01 of 2024 is also dismissed.

(Rajiv Roy, J)

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