

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.487 of 2024

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1. Samarpan Sean Theodore S/o Late Dorothy Latif, S/o P K Latif, E-67, First Floor, BPTP Astaire Gardens, Sector-70A, Palra 164, Gurgoan, Haryana-122101.
 2. Arpan Ambrose Theodore, S/o Late Doroty Latif, S/o P K Latif, E-67, First Floor, BPTP Astaire Gardens, Sector-70A, Palra 164, Gurgoan, Haryana-122101.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Land Revenue, Government of Bihar, Patna.
2. The Principal Secretary, Department of Land Revenue, Government of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The Survey Superintendent, Gaya.
5. Baptist Missionary Society Corporation, through its Secretary and Authorized agent, Laltu John, @ Willam A. John, Son of Late A. John, Resident of 133, Housing Board, Janta Flat, Police Station- Rampur, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Respondent/s : Mr. Government Advocate-9

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-04-2024 Heard learned counsel for the petitioners. The State counsel is present but he submits that the brief is not available with him.

2. The petitioners want quashing of the order dated 13.11.2010 issued by the Survey Superintendent, Gaya, by which, on the basis of the document, available on record, decision was taken to incorporate the name of the Baptist Missionary Society Corporation.

3. The claim of the petitioners is that the land in question [Khata no. 904 and Khesra no. 1444 (क)/4588/241 (ख)]



came in his family by a deed of 1958 and Annexure P/3 has been attached to support the same.

4. This Court, however, has taken note of the first page, according to which, the paper/document was issued on 10.09.1986. How and under what circumstance, the 1958 story/facts came to be incorporated in it is a subject matter of inquiry.

5. Learned counsel has taken this Court to another document to show that the name of the mother of the petitioners Sylvia Deuyer had come in the documents of Municipal Corporation, Gaya in the year 2007 though according to him, she died long ago in 1992.

6. Further, one of their agnates had moved before this Court in CWJC No. 8693 of 2011 and the Court vide an order dated 10.04.2012 directed the Survey Superintendent, Gaya to decide the matter. He, however is unable to submit what happened thereafter.

7. When the Coordinate Bench of Court in the aforesaid CWJC No. 8693 of 2011 had already directed the Survey Superintendent to take a decision and the petitioner has no knowledge about it, instead of appearing in the said matter, once again, the same order has been challenged which was subject matter of the writ petition bearing CWJC No. 8693 of 2011.



8. Since the State do not have any brief, assistance is not expected from them.

9. Taking the aforesaid facts as also that:-

(i). 23.11.2010 order has been challenged after thirteen years later in the writ petition;

(ii). the same order was challenged in CWJC No. 8693 of 2011 which was disposed of on 10.04.2012 and direction was issued, as already incorporated above;

(iii). there is nothing to show on record to show what happened thereafter;

(iv). after a decade, the petitioners are trying to open an issue which already stands decided in the aforesaid writ case;

(v). it is a fit case to be dismissed with cost.

10. Accordingly, the writ petition stands dismissed with a cost of Rs. 3,000/- to be deposited with the Bihar State Legal Services Authority within a period of four weeks from today. If the same is not paid within a period of one month, the Bihar State Legal Services Authority would be entitled to recover it from the petitioners as arrears due on land under the appropriate enactment.

(Rajiv Roy, J)

Adnan/-

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