
(2018) 01 PAT CK 0117

In the Patna High Court

Case No : Letters Patent Appeal No. 2124 Of 2016, Civil Writ Jurisdiction Case No. 432 Of 2013

Abdul Rauf

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 04-01-2018

Acts Referred:

Citation : (2018) 1 PLJR 566

Hon'ble Judges : Ajay Kumar Tripathi, J; Nilu Agrawal, J

Bench : Division Bench

Advocate : Diwakar Sinha

Final Decision : Dismissed

Judgement

Ajay Kumar Tripathi, J

There is a delay of one year and 70 days in preferring the appeal. The reasons indicated therein are make- belief kind of statements and cannot be

said to be cogent and valid for which indulgence should be shown.

However, even on the merits of the matter, the learned Single Judge vide order dated 31.07.2015 dismissed the writ application of the appellant

refusing to interfere with the order dated 22.05.2012 passed by the Sub Divisional Officer, Kishanganj whereby and wherein the Appeal Case No.10

of 2011 filed by the respondents no.4 to 12 of the writ application had been allowed. The issue is whether a sikmidar can ever acquire a right to

alienate the land in question. By virtue of the declaration of the status of a sikmidar, he is an under-raiyat. Whatever be the length and period of time

as his status as under raiyat, he does not become a raiyat, which vests power in him to alienate the land and property in question to anybody. This is

the reason why the learned Single Judge by stating the law refused to interfere with the decision in favour of the private respondents because any

indulgence shown to the appellant upholding such transfer would be opening a flood gate of litigation as well as giving unending opportunity for

mischief by such under- raiyats.

The appeal has no merit. It is dismissed, so is the limitation petition.