

(2017) 03 PAT CK 0014

In the Patna High Court

Case No : 1377 of 2015

Lakshman Tatma

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 09-03-2017

Acts Referred:

Citation : (2017) 03 PAT CK 0014

Hon'ble Judges : Ajay Kumar Tripathi, Nilu Agrawal

Bench : DIVISION BENCH

Advocate : Kumar Uday Singh, Gyan Prakash Ojha

Final Decision : Dismissed

Judgement

1. Limitation petition, which is I.A. No. 5997 of 2015, came to be filed since there was a delay of four days in preferring the appeal. The Court is satisfied with the reasons. Therefore, delay is condoned. I.A. No. 5997 of 2015 is allowed.

2. Heard counsel for the appellants as well as counsel for the State.

3. The writ application of the appellants was dismissed by the learned single Judge after examining the decision of the learned Sub Divisional Officer, Banmankhi, in Appeal Case No.35 of 1996, which had reversed the earlier order of the Anchal Adhikari, Banmankhi, dated 05.01.1996 on the ground that the plot of land, which is Plot No. 2407, has not been in possession of either the father of the present appellants, who was a sikmidar or these

appellants because, admittedly, a brick kiln was running in the said piece and parcel of land since the year 1960.

4. The law being well settled that if the sikmidar is not in continuous possession for the last 12 years, nobody can claim a right under earlier sikmidar.

5. The decision of the learned single Judge, therefore, cannot be said to be suffering from any infirmity because the law will come into play the moment the fact that the father of the appellants or the appellants had not been in possession for 12 years a fact not dislodged by any material.

6. No interference, therefore, is warranted with the decision of the learned single Judge as it does not suffer from any infirmity.

7. Appeal is dismissed.