

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1449 of 2012

IN

Civil Writ Jurisdiction Case No. 19040 of 2011

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Laxmi Rai S/O Sri Ramayan Rai R/O Vill-Darihara Bhuol, P.S.-
Dariapur, Distt-Saran.

.... Appellant

Versus

1. The State of Bihar, through the Secretary, Revenue and Land Reforms Department, Bihar, Patna
2. The Commissioner , Patna Division, Patna
3. The Deputy Commissioner , Land Reforms , Patna Sadar , Patna
4. M/S Britesky Buildcon Pvt. Ltd Through Its Director Shri Prashant Luthra having its registered office at 201-202, Kashi Place, Dakbunglow Road, P.S.-Kotwali, P.O.-G.P.O., Distt-Patna
5. Shri Prashant Luthara S/O Sri Vivindra Kumar Luthara Director of M/S Britesky Buldcon Pvt. Ltd. resident of Brite House D/68/A, Sri Krishanpuri, P.S.-Srikrishna Puri, P.O. G.P.O., Distt-Patna
6. Sri Ram Krishna Prasad
7. Sri Lala Prasad
8. Sri Raghubir Prasad
9. Sri Ashok Kumar
10. Sri Shambhu Prasad
11. Sri Satya Narayan Prasad
All son of Late Sona Gope
12. Sri Manoj Kumar S/O Late Rambabu Rai R/O Mohalla-Punichak, P.S.-Shashtri Nagar, Distt-Patna.

.... Respondents

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Appearance :

For the Appellants	:	Mr. Mrigank Mauli, Advocate
For the Respondents	:	Mr. Y.V. Giri, Sr. Advocate
		Mr. Suraj Samdarshi, Advocate
		Mr. Sajal Kr. Sinha, Advocate

For the State : Mr. Gautam Bose, A.A.G.8

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 19-08-2015

We have heard Sri Mrigank Mauli, learned Counsel at length in support of the Intra-Court Appeal, Sri Y.V. Giri, learned Senior Counsel appearing on behalf of respondent nos. 4 and 5, who are private respondents contesting the proceedings and Sri Gautam Bose, learned A.A.G.8 representing on behalf of the State.

2. This is an Intra-Court Appeal filed by the writ petitioner himself whose writ petition was dismissed. Petitioner has sought to set up a case that he was a tenant on the land in question running a tea shop, cycle repair shop etc. for over 35 years. He has been illegally and forcefully evicted pursuant to orders passed by the Deputy Commissioner Land Reforms (in short the “D.C.L.R.”) and in appeal the Divisional Commissioner, Patna, under the provisions of Bihar Land Disputes Resolution Act, 2009 (hereinafter referred to as the “Act”).

3. We have gone through the order of learned Single Judge and perused the records. Even though the writ petitioner claimed to be a tenant on the land in question and

paying regular rent, he is unable to bring on record a chit of paper to show his tenancy. He has referred to secondary evidences being statement of strangers and other documents to show his presence on the land.

4. Let it be noted that this is a portion of land situated in the heart of Patna Town and is valuable. The private respondents, for whom Sri Giri, learned Senior Counsel, appears, are purchasers and property developers, who have purchased the land from the land owner to construct.

5. In our view, the learned Single Judge committed no mistake in refusing to interfere in the matter especially in a writ proceedings. We find no merit in the writ application or in appeal. The same is dismissed.

6. Let the records which were called for and retained by the Court be returned to Sri Gautam Bose, learned A.A.G.-8 who had submitted them to Court.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/N.A.F.R.

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