

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5340 of 2015

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1. Pramila Singh, wife of Shri Anil Singh.
 2. Anil Singh, son of Shri Devanand Singh.

Both are resident of Mohalla Shivpuri, Road No. 1, Adjacent to
Nala, P.S. Shashtrinagar, Patna-800024.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Patna.
3. The Deputy Collector Land Reforms, Sadar, Patna.
4. Rajesh Kumar, son of Tarakant Jha, resident of 'Mitranya', 444, East Mahesh Nagar, Opp. Shivpuri Railway Halt, P.S. Patliputra, Patna-800024.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate with
Mr. Anil Kumar Singh, Advocate

For the Respondent/s : Mr. Ashok Kumar Choudhary, AAG-13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 22-07-2015 The petitioners questioned the order dated 20.3.2012 passed by the Deputy Collector Land Reforms, Patna Sadar in Land Dispute Resolution Case No.93 of 2011-12 before the Commissioner, the Bihar Land Tribunal and finally in CWJC No.18093 of 2013, which was dismissed by the learned Single Judge vide judgment and order passed on 19.9.2013 and affirmed by the Division Bench in L.P.A. No.1289 of 2013. The contest having reached a finality it is sought to be reopened in the backdrop of the order dated 5.12.2013 passed in the writ petition preferred by the two brothers of the writ petitioner no.1 herein bearing CWJC No.16583 of 2013. Even when the writ court while considering the matter in CWJC No.16583 of 2013 had clarified



the position that the order impugned dated 20.3.2012 passed by DCLR in Land Dispute Resolution Case No.93 of 2011-12 was set aside only to the extent of the said writ petitioners and remitted the matter back for reconsideration by the original authority only for addition of the brothers in the contest and opportunity of hearing to them and whereafter the order impugned has been passed but this order so passed on remand is being interpreted as a fresh cause of action by the present petitioners. Its absolute absurdity that the petitioners who have lost their contest up to the Division Bench are trying to reopen concluded proceedings relying on the order passed in the case of their brothers.

Mr. Giri, learned senior counsel for the petitioners has very strenuously tried to argue that Annexure-12, which has been passed upon reconsideration of the matter in the light of the order passed by this Court in CWJC No.16583 of 2013 granting liberty to the private respondent no.8 to arraign the brothers of the petitioner no.1 as party and for considering their claim afresh and whereafter the order has been passed which also gives the present petitioners a cause of action but in my opinion such contention is thoroughly misconceived for the battle for the petitioners ended with the order of the writ court in CWJC No.18093 of 2013 as affirmed in the Division Bench judgment.

Mr. Y.V. Giri, learned senior counsel appearing for the

petitioners next tried to rely upon a Division Bench judgment of this Court reported in **2014(3) PLJR 281 (Maheshwar Mandal vs. State of Bihar)** as well as the decision of this Court reported in **2015(1) PLJR 823 (Kamta Prasad Singh Vs. The State of Bihar)** to submit that the orders passed in the earlier round of litigation by the Single Judge as well as the Division Bench are contrary to the law laid down, but this again is an absurd proposition for an inter party decision in between the petitioners and the respondents having attained finality up to the Division Bench, it cannot be re-opened on such anvil.

As has also been observed in the earlier round of litigation that the petitioners are merely trying to prolong the litigation, it would not detain this Court to hold that the writ petitioners have abused the process of the Court and have wasted precious time by indulging in frivolous litigation.

The writ petition is dismissed with cost of Rs.50,000/- (rupees fifty thousand).

(Jyoti Saran, J)

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