

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.376 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 6541 of 1998

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Ram Chandra Sah Son Of Late Bechu Sah Resident Of Village - Paharpur, P.S.
Mahua, Distt. - Vaishali

.... Appellant/s

Versus

1. Jaso Devi
2. Lal Pari Devi
W/O Late Sukha Rai @ Sukhdeo Rai
3. Devendra Rai
4. Dilip Kumar Rai
5. Rama Nand Rai
Sons Of Late Sukha Rai @ Sukhdeo Rai
6. Maula Devi
7. Lalti Devi
Daughter Of Late Sukha Rai @ Sukhdeo Rai
8. Jogindra Rai
9. Harbansh Rai
Sons Of Janak Rai
10. Ramji Rai S/O Sakhit Rai
11. Ram Chandra Rai
12. Ram Das Rai
Sons Of Satya Narain Rai
All Resident Of Village - Paharpur, P.S. Mahua,
Distt. - Vaishali
13. The State Of Bihar
14. The Joint Director Of Consolidation, Bihar, Patna
15. The Deputy Director Of Consolidation, Vaishali At Hazipur
16. The Consolidation Officer, Mahua, Vaishali
17. Ram Jiwan Sah S/O Late Bachu Sah
18. Jailal Sah Son Of Bhagwat Sah
All Resident Of Village - Paharpur, P.S. Mahua, Distt. - Vaishali

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nand Kishore Prasad Sinha, Advocate.

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 26-07-2016

The challenge in the present Letters Patent Appeal is to an interim order passed in Interlocutory Application No. 346 of 2014 whereby an application filed by the appellant for restraining the writ petitioners from selling the land was dismissed for the reason that the appellant can approach the appropriate Civil Court seeking injunction in accordance with law.

The argument of learned counsel for the appellant is that the jurisdiction of the Civil Court is barred, therefore, the finding given by the learned Single Bench is incorrect. However, we find that any sale during the pendency of the writ application would be subject to the doctrine of *lis pendens* and will not affect the right of the appellant.

In view thereof, we do not find any reason to interfere in the present Letters Patent Appeal and is accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P. Kumar/Ravi

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