

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.994 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 4499 of 2014**

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Bijvanti Devi, W/o Sri Raj Kumar, resident of Mohalla Belwarganj, P.S. Alamganj, Dist-Patna-800007 A/P Sai Takia, I.D.H. Colony, P.S. Alamganj, Dist- Patna-800007.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Govt of Bihar, Patna.
2. The Collector, Patna, Dist-Patna.
3. The Add. Collector Sadar, Patna.
4. The Circle Officer, Sadar, Patna.
5. The District Land Acquisition Officer, Patna.
6. The Superintendent Nalanda Medical College and Hospital, Agam Kuan, Dist-Patna.
7. Barrister Khan @ Md. Mustaq Khan,
8. Collector Khan @ Mohammad Rizwan, both respondents 7,8 are sons of Late Mohammad Masuk Ali Khan, both are resident of Mohalla Sai Takia, I.D.H. Colony, Patnacity, District, Patna-800007.
9. Sarad Pawan, S/O Sri Ravindra Kumar Mishra.
10. Smt. Reeta Devi W/O Nand Kishore Pd.
11. Saurabh Kumar S/O Ashok Kumar Gupta.
12. Rekha Kumari @ Rekha Devi W/O Prahlad Kumar.
13. Sanjay Gupta @ Sanjay Murti S/O Jeeta Paswan.
14. Pawanji @ Pawan Gupta S/O Om Prakash.
15. Md. Seraj quaraishi S/O Suraf Quariaishi 9 to 15 are resident of mohalla Sai Takia, I.B.H. Coloney, P.S. Alamganj, Dist-Patan

.... Respondent/s

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Appearance :

For the Appellant/s :

For the Respondent/s : Mrs. Alka Verma, A.C. to S.C. 17

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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: 15-09-2016

Re.:I.A. No. 4139 of 2015

The application is for condonation of delay of 3 days in

filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory Application, we are satisfied that the appellant has shown sufficient cause to seek condonation of delay of 3 days in filing the present Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 4139 of 2015 is allowed and delay of 3 days in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 994 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 3rd of December, 2014 in C.W.J.C. No. 4499 of 2014 when the writ application was disposed of on the statement of learned counsel for the appellant that the alleged encroachments have been removed by the respondents and that appellant shall seek her remedy before the Civil Court of competent jurisdiction for declaration of her title over the land in question.

2. In the writ application, the appellant challenged the order passed by the Additional Deputy Collector, Sadar, Patna on 15th of October, 2003 affirming an order passed by the Circle Officer, Sadar, Patna on 11th of May, 2003 declaring the appellant as encroacher and directing her to remove the encroachment allegedly

found within the premises of Nalanda Medical College and Hospital.

3. The appellant claims to be purchaser of the land vide sale-deed dated 28th of March, 2011. Both the authorities have found that the appellant has carried encroachments. Still further, the writ application was decided on the Statement of the learned counsel for the appellant, that she would take recourse to civil proceedings to redress her grievance. Thus, it is for the appellant to establish her title or title of her vendor over the land in question before the competent court of law but the Statutory Authorities have found the appellant to be encroacher and that the encroachments have since been removed.

4. The order impugned in the appeal is primarily an order based upon consent; we do not find that any interference is called for in the Letters Patent jurisdiction of this Court.

5. The Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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