

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.175 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 360 of 2014**

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1. Md. Rahman, son of Late Naimul Haque
 2. Md.Tabrez, son of Late Gayasuddin Mohammad.
- Both residents of village- Falka, P.S. Falka, P.O.- Falka, District-Katihar

.... Appellants

Versus

1. The State of Bihar, through the Chief Secretary ,Govt. of Bihar, Patna
 2. Collector, Katihar
 3. Additional Collector, Katihar
 4. L.R.D.C, Katihar
 5. Circle Officer, Falka, P.O. & P.S. Falka, District-Katihar
 6. Jasimuddin, son of Sk. Rudi
 7. Mohd. Zabbar Ali, son of Sk. Rudi
- Both residents of village- Falka, P.S.- Falka, P.O.- Falka, District- Katihar

.... Respondents

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Appearance :

For the Appellants : Syed Md. Najmul Bari, Advocate.

For the Respondents : Mr.

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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: 06-04-2016

I.A. No. 807 of 2015

The application is for condonation of delay of 10 days in filing the present Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory Application, we are satisfied that the appellants have shown sufficient cause to seek condonation of delay of 10 days in filing the present Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 807 of 2015 is allowed and delay of 10 days in filing the Letters Patent Appeal is condoned.

L.P.A. No. 175 of 2015

Heard learned counsel for the appellants and the respondents.

2. The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 15th of October, 2014 in C.W.J.C. No. 360 of 2014, whereby the writ application challenging the correction of mutation was dismissed with liberty to the appellants to avail the remedy of appeal within 30 days after condoning the period spent in the proceeding before the High Court.

3. Learned counsel for the appellants contends that this Court has entertained the writ application. Therefore, the bar of remedy of appeal cannot be extended to the appellants.

4. We do not find any merit in the said argument. An appeal is a statutory right. The appellants have the right to take recourse to the remedy of appeal against the correction of the *jamabandi*. Mere fact that at one stage the Court has entertained the writ application does not mean that the Court is bound to entertain the petition, even if there is a statutory remedy of appeal.

5. In view thereof, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the

present intra court appeal.

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

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P./Sujit
N.A.F.R.

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