

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1442 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 895 of 2013

Along with

Interlocutory Application No.8104 of 2014

1. Radhey Sada, S/O Maghu Sada, R/O village- Kusmaut, P.S.- Neema Chandpura, Anchal and District- Begusarai.

2. Sagar Sada, Adopted S/O Late Ram Deo Sada, R/O village- Kusmaut, P.S.- Neema Chandpura, Anchal and District- Begusarai.

.... Respondent Nos.6 & 7-Appellant/s

Versus

1. The State of Bihar.

2. The Collector, Begusarai.

3. The Addl. Collector, Begusarai.

4. The Sub Divisional Officer, Begusarai.

5. The Block Circle Officer, Begusarai.

... Respondents 1 to 5 in writ petition.

6. Rama Kant Singh, S/O Late Baccha Singh, R/O Village- Ramdiri, Tola- Labhar Chak, P.S.- Matihani, District- Begusarai

... Petitioner in writ petition

7. Maksudan Sada, S/O Late Mangal Sada, R/O village- Kusmaut, P.S.- Neema Chandpura, Anchal and District- Begusarai.

.... Respondent no.8 in the writ petition.

.... Respondent/s

Appearance :

For the Appellants : Mr. Yogesh Chandra Verma,
Senior Advocate

Mr. Anil Kumar, Advocate

For the Respondents-State : Mr. Anjani Kumar, A.A.G.-4

Mr. Sanjay Pd., A.C. to A.A.G.-4

For the respondent no.6 : Mr. Ratnesh Nandan Sinha, Advocate
Mr. Purusotam Prasad, Advocate

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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: 23-08-2016

Re.: Interlocutory Application No.8104 of 2014

The application is for condonation of delay of 570 days in filing of the present Letters Patent Appeal.

2. For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters Patent Appeal.

3. Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.1442 of 2014

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Judge of this Court on 16th of January, 2013 whereby, the learned Single Bench has directed the Collector to ensure that Miscellaneous case is finally disposed of and the order is complied with.

2. The appellants are allotment (*parcha*) holders. The writ applicant is the land owner whose land was declared surplus. In an

earlier writ petition (CWJC No.342 of 1998), the learned Single Bench allowed the writ application filed by the land-owner on 25th of January, 1999 observing as under:

“Accordingly, the order dated 29.10.1994 by which the land of the petitioner is sought to be acquired as well as Parcha issued with respect to the land in question in favour of Respondent nos. 5 to 7 as contained in Annexure-6 series are quashed and this writ application is allowed. Having regard to the order passed in this writ application the respondent authorities are directed not to dispossess the petitioner from the land in question and/or hand over the possession to the private respondents pursuant to the alleged purchas issued in their favour. This writ application is allowed to the extent indicated above.”

3. It is the said order which was sought to be given effect by the Collector in its order dated 25th of November, 2011. The said order read as under:-

“Call for report in this regard from S.D.M. Sadar who should clarify why order of Hon’ble H.C. as well as order of the Collector dated 12.6.99 is still lying un-complied.

P/u for priority hearing on 2.12.11 before which SDM’ report should come. If report does not come, SDM, Sadar shall remain in person.

P/u on 02.12.11 on top of list.”

4. The Collector on 12th of June, 1999 has passed an order in terms of the order passed by this Court on 25th of January, 1999. Since this Court has directed that the writ applicant shall not be dispossessed and/or the private respondents shall not be handed over possession in pursuance of *parcha* issued, therefore, the appellants

cannot have any grievance once an order has been passed by this Court way back in the year 1999 has attained finality. The order passed by the learned Single Bench is to ensure that the order of the Collector is complied with is, in substance, to give effect to the order passed by this Court on 25th of January, 1999.

5. Thus, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal. The same is, therefore, dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	N. A.
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