

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.361 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 12252 of 2013

- =====
1. Nalini Ranjan Saran
 2. Ashok Ranjan Saran
 3. Hirdya Ranjan Saran
 4. Chitranjan Saran
 5. Radhika Ranjan Saran
 6. Alakh Niranjan Saran

All sons of Late Shiv Saran, Resident of West Lohanipur, P.O. Kadamkuan, P.S. Kadamkuan, District - Patna

.... Appellants

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Patna
3. The Commissioner, Patna Division, Patna
4. The District Magistrate, Patna
5. The Senior Additional Collector Revenue, Patna, District - Patna
6. The Additional Collector, Patna
7. The Sub-Divisional Officer, Danapur
8. The Deputy Collector, Land Reforms, Danapur
9. The Block Development Officer, Bihta
10. The Circle Officer, Bihta
11. The Secretary, National Highways Authority of India, Government of India, New Delhi
12. The District Land Acquisition Officer, Patna
13. The Secretary, Road Construction Department, Government of Bihar, Patna

.... Respondents

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Appearance :
For the Appellants : Mr. Jagannath Singh, Advocate.
Mr. Nirbhay Prashant, Advocate.

For the Respondents :

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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: 06-05-2016

Re.: I.A. No. 1716 of 2015

The application is for condonation of delay of one day in filing the 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 one day in filing the present Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 1716 of 2015 is allowed and delay of one day in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 361 of 2015

Heard learned counsel for the appellants and the respondents.

2. The order dated 20th of November, 2014 passed by the learned Single Bench of this Court in C.W.J.C. No. 12252 of 2013 is subject matter of challenge in the present Letters Patent Appeal.

3. The appellants claim that the land measuring 1 acre 23 decimals has been illegally encroached upon by the respondents for

construction of National Highway No. 78.

4. Such claim has been resisted by the respondents on the ground that the land vests to the State as it is *Gair Majarua Arajidar* and the appellants in connivance with the lower rank Revenue Officer has got the documents created in their favour. The land in question is a Government land but same is being shown as a land of the appellants with the help of Revenue Authorities. It is also asserted that departmental proceedings have been initiated against them and also proceedings for correction of the Revenue record have been taken.

5. In view of the findings recorded, it is apparent that there is disputed question of title over the land in question. The appellants claim to be the owner of the land; whereas the State is claiming ownership as well. Such disputed question of fact cannot be examined by the Writ Court as such fact can be decided on the basis of evidence led by the parties. Mere fact that *Jamabandi* is in favour of the appellants will not show that they are the owners, as *Jamabandi* is not a document of title.

6. Thus, we do not find any merit in the present Letters Patent Appeal. But it is observed that any observation made by the learned Single Bench or by this Court is only for the purpose of deciding the present writ or the present proceedings. As and when any proceedings are initiated before any appropriate forum, same shall be

decided in accordance with law.

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

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P./Anand
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