

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1096 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 19768 of 2014
Along with
Interlocutory Application No.4693 of 2015

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1. Balishwar Singh @ Baleshwar Prasad Singh, Son of Late Raghubansh Prasad Singh
 2. Binay Kumar Singh @ Binay Singh, Son of Baleshwar Singh
 3. Ajay Kumar Singh @ Ajay Singh, Son of Baleshwar Singh
 4. Binod Bhagat Son of Devendra Prasad Bhagat
 5. Satya Narain Sah Son of Late Bhola Sah
All resident of Birpur, Ward No. 6, P.O. & P.S. Birpur, District – Supaul.
 6. Isahak Safi, Son of Latif Safi
 7. Taslim Safi, Son of Late Babujee Safi
 8. Subham Safi, Son of Md. Taslim Safi
 9. Bachua Safi, Son of Md. Samsul Safi
 10. Bhakko Safi, Son of Samsul Safi
 11. Habib Safi Son of Tajmul Safi
 12. Sahabuddin Safi Son of Tajmul Safi
 13. Salauddin Safi Son of Late Rustam Safi
 14. Amin Safi Son of Late Mahim Safi

All residents of Ward No. 5, P.O. & P.S. Birpur, District - Supaul

.... Respondents- Appellant/s

Versus

1. Gahendra Narain Singh, Son of Late Bed Narain Singh
2. Gauri Shankar Singh, Son of Late Deb Narain Singh @ Laddu Babu
3. Hirendra Kumar Singh @ Hirendra Narain Singh, Son of Late Hari Narain Singh @ Chunni Babu
4. Manoj Kumar Singh @ Mannaprad Singh, Son of Late Hari Narain Singh @ Chunni Babu

All residents of village - Birpur Ward No. 4, P.O. & P.S. Birpur, District - Supaul.

... .. Petitioners-Respondents

5. The State of Bihar through the Principal Secretary, Department of Home,

Government of Bihar, Patna.

6. The Deputy Inspector General of Police, Koshi Division, Saharsa.
7. The Divisional Commissioner, Koshi Division, Saharsa.
8. The District Magistrate, Supaul.
9. The Superintendent of Police, Supaul.
10. The Deputy Superintendent of Police, Supaul
11. The Deputy Collector of Land Reforms, Birpur, Supaul.
12. The Anchal Adhikari, Basantpur Block, Supaul.
13. Bhaskar Bhagat, Son of Mahendra Bhagat.
14. Manish Bhagat Son of Mahendra Bhagat.

All residents of Ward No. 6, P.O. & P.S. Birpur, District - Supaul

.... Respondents- Respondent/s

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Appearance :

For the Appellants	:	Mr. S. S. Dwivedi, Senior Advocate Mr. Ranjan Kumar Dubey, Advocate
For the respondent no.1	:	Mr. Prabhakar Tekriwal, Advocate Mr. Shashidhar Jha, Advocate
For the Respondents-State	:	Mr. Mrigendra Kumar, A.C. to G.A.-9

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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: 21-10-2016

Re.: Interlocutory Application No.4693 of 2015

The application is for condonation of delay of 28 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.1096 of 2015



The present Letters Patent Appeal is directed against an order passed by a learned Single Bench of this Court on 16th February, 2015 whereby, the Superintendent of Police, Supaul was directed to act as per law on the written complaint of the writ applicants depicting commission of offence and take appropriate action thereon in accordance with law. Such order was passed in view of assertion of the writ applicants that they have a declaration of title and possession in respect of the subject land by the Civil Court which has attained finality.

2. The short ground raised by the learned counsel for the appellants in the present Letters Patent Appeal is that such direction was issued without notice to the private respondents and when the writ applicants have suppressed material facts. There are numerous disputes which are pending between inter-se parties which fact has not been disclosed.

3. The admitted fact is that writ application was disposed of without issuing notice to the private respondents, the present appellants. Since the order issued by this court has adverse consequence on the right of the present appellants and such order has been passed without providing opportunity of hearing to the appellants,

therefore, we deem it appropriate to set aside the order passed by the learned Single Bench and remit the matter for fresh decision after giving opportunity to the parties to present their stand.

4. Consequently, the present Letters Patent Appeal is allowed. The writ application is restored to its original file.

5. The Writ application be listed as per roster before an appropriate Bench.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
Uploading Date	24.10.2016
Transmission Date	