

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.44 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 13287 of 2009**

=====

Bipin Kumar, Son of Late Sarju Kunwar, resident of village - Itahari, Police Station
Naya Ram Nagar, District - Munger

.... Petitioner/Appellant

Versus

1. The State of Bihar
2. The Divisional Commissioner, Munger Division, Munger
3. The Additional Collector, Munger
4. The Deputy Collector Land Reforms, Munger, District - Munger
5. Most Narmada Devi, Widow of Late Bhola Singh
6. Sneha Kumari
7. Neha Kumari
8. Sonam
9. Chhoti,

No. 6 to 9 minor daughters of Late Bambam Kumar, represented
through their Grand mother, the respondent No. 5

10. Shri Harhar Kumar, Son of Late Bhola Singh
11. Shri Fulan Kumar, Son of Late Bhola Singh
12. Shri Sachin Bharti , Son of Late Bhola Singh
13. Shri Naresh Singh, Son of Late Bato Singh
14. Shri Niraj Kumar, Son of Shri Naresh Singh
15. Shri Dhiraj Kumar, Son of Shri Naresh Singh
16. Shri Rahul Kumar, Son of Shri Naresh Singh,

No. 14 to 16 are minors, represented through their father and natural
guardian - Shri Naresh Singh No. 5 to 16 are residents of village - Itahari, Police
Station - Naya Ram Nagar, District - Munger

.... Respondents/Respondents

=====

Appearance :

For the Appellant/s : Mr. Arun Prasad Ambastha, Advocate
For the Respondent/s : Mr. Rajesh Kumar, AC to GP-3

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 22-12-2016



Heard learned counsel for the parties.

2. The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 19th of August, 2015 in C.W.J.C. No.13287 of 2009 (Bipin Kumar Vs. The State of Bihar & Ors.) whereby, the matter was remanded to the Divisional Commissioner, Munger to examine as to whether the purchaser is a landless person and to modify his order accordingly.

3. The sole argument raised by the learned counsel for the appellant is that once the matter is being examined by the Divisional Commissioner, the entire matter should have been remitted back to the Divisional Commissioner to decide all questions of law and facts to be raised by the parties and not restricted to only the question as to whether the appellant is a landless person.

4. We find merit in the said argument. Once the matter is remitted, all questions of law and facts are required to be decided afresh so as to do complete justice between the parties. Restricting the jurisdiction of the Divisional Commissioner is neither fair nor reasonable.

5. Consequently, the present Appeal is disposed of with the direction to the Divisional Commissioner to decide all questions



of law and facts as are raised before it by the parties in accordance with law. The order of the learned Single Bench stands modified to this extent.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.01.2017
Transmission Date	N/A

