

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.4 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 7983 of 2005

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1. Abdul Mannan, son of Late Oli Mohammad

2. Md. Harun, son of Late Ali Hassan, Both resident of village- Kanhauli, P.S.-

Jhanjharpur, Dist.- Madhubani

.... Appellants

Versus

1. The State of Bihar

2. The Commissioner, Darbhanga Division, Darbhanga

3. The Collector, Madhubani

4. The Additional Collector, Madhubani

5. The Deputy Collector, Land Reforms, Jhanjharpur, Madhubani

6. The Circle Officer, Jhanjharpur Block, Madhubani

7. The Zila Mantri, Bhoodan Yagya Committee, Madhubani

8. The District Secretary Bhoodan Yagya Committee, Madhubani

9. Noor Hassan son of Ibrahim

10. Md. Ayub son of Asgar Ali

11. Md. Abdul son of S.K. Razaque, All resident of village- Kanhauli, P.S.-

Jhanjharpur, Dist.- Madhubani

.... Respondents

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Appearance :

For the Appellants : Mr. Vivekanand Vivek, Adv.

For the State : Mr. M.N. Roy, A.C. to S.C.-4

: Mr. Arvind Ujjwal, S.C-4.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 21-12-2016

The present Letters Patent Appeal is directed against an
order passed by the learned Single Bench on 05.11.2015 in C.W.J.C.
No. 7983 of 2005 whereby the writ application filed by the



appellants-writ petitioners was dismissed mainly on the ground that the concurrent finding of fact cannot be disputed in the writ jurisdiction. It was found that D.C.L.R., Jhanjharpur, vide order dated 06.06.1992, Additional Collector, Madhubani, vide order dated 25.05.1996 and Divisional Commissioner, vide its order dated 11.05.2005 rejected the claim of the appellants regarding settlement of land in question by ex-landlord Maharaja Kameshwar Singh of Darbhanga Raj. It was found that the land in question was gifted/donated by the said ex-landlord Maharaja Kameshwar Singh to Bhoodan Yagya Committee, which gift was confirmed by the Revenue Officer in the year 1954 and later in the year 1985 when *Praman Patra* was issued in favour of the private respondent nos. 9 to 11.

The appellants-writ petitioners claimed settlement in their favour in the year 1934 and 1944 whereas the private respondents rely upon gift executed by ex-landlord Maharaja Kameshwar Singh. Thus, it is a disputed question of title as to whether ex-landlord Maharaja Kameshwar Singh of Darbhanga Raj was competent to gift the land to Bhoodan Yagya Committee or to the appellants. Such disputed question of title can be decided by the Civil Court if it falls within the period of limitation.

Consequently, we find no reason to interfere in the



Letters Patent Appeal preferred against the order passed by learned Single Bench. Accordingly, the Letters Patent Appeal is dismissed.

However, it shall be open to the parties to seek recourse to such remedy including that of civil suit in accordance with law wherein the question of limitation shall also be taken into consideration.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

Amrendra/Ashwini

AFR/NAFR	N.A.F.R
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