

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1391 of 2015
IN
Civil Writ Jurisdiction Case No. 7765 of 2008**

- =====
1. The State Of Bihar
 2. The Commissioner, Department of Revenue & Land Reforms, Bihar, Patna.
 3. The Additional Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
 4. The Collector, Patna
 5. The Additional Collector, Patna
 6. The Deputy Collector Land Reforms, Patna, district – Patna.
 7. The Anchal Adhikari, Patna, District – Patna.

.... Respondents/Appellant/s

Versus

1. Smt. Indu Prasad, Wife of Late Dharendra Narain Prasad.
2. Amulya Prasad, Son of Late Dharendra Narain Prasad,
3. Amrita Prasad, Daughter of Late Dharendra Narain Prasad.
4. Amit Narain Prasad, Son of Late Dharendra Narain Prasad.
5. Abhishek Raj, Son of Late Dharendra Narain Prasad, All resident of “Panchvati”, Plot No. 30, Kadamkuan Khas Mahal Park Road, Kadamkuan, Patna, P.S. Kadamkuan, Town and District – Patna.

.... Petitioners/Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Chittaranjan Sinha, Sr. Advocate,
PAAG-2

Mr. Shashi Shekhar Kumar Prasad,
AC to PAAG - 2

For the Respondent/s : Mr.

=====

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 11-01-2017

Re.: Interlocutory Application No.6060 of 2016

The application is for condonation of delay of 945 days in filing of the present Letters Patent Appeal.

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.



Interlocutory Application stands allowed accordingly.

Re: Letters Patent Appeal

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench dated 4.09.2012 whereby the State authorities were given liberty to file suit for eviction of the writ applicants.

Learned counsel for the appellants points out that under section 14 of Bihar Khas Mahal Manual, 2011, the Collector has been empowered to initiate proceedings for eviction of the erstwhile leasee, therefore, the direction of the learned Single Judge that the State authorities have to file a suit for eviction, is not sustainable.

We do not find that any case is made out for interference against the order passed by the learned Single Bench except to clarify that the State can take action against the writ applicants in accordance with the Khas Mahal Manual through an authority which is competent in terms of such policy.

With the said modification/clarification, this Letters Patent Appeal stands disposed of.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

Anil/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.1.2017
Transmission Date	

