

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.634 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 6352 of 2013

With

Interlocutory Application No. 2997 of 2016.

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1. Basudeo Mandal S/o Late Luttu Mandal, resident of Village- Hari Prasad, P.S.-
Mansahi, District- Katihar.

2. Raohit Lal Mandal S/o Late Luttu Mandal resident of Village- Hari Prasad, P.S.-
Mansahi, District- Katihar.

.... Petitioners / Appellants

Versus

1. The State of Bihar

2. The Collector, Katihar.

3. The Additional Collector (Ceiling), Katihar.

4. The Circle Officer, Mansahi, District- Katihar.

5. Mahadeo Mandal, S/o Late Guna Mandal resident of Village- Hari Prasad, P.S.-
Mansahi, District- Katihar.

6. Kisan Mandal, S/o Late Guna Prasad, resident of Village- Hari Prasad, P.S.-
Mansahi, District- Katihar.

.... Respondents / Respondents

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Appearance:

For the Appellant/s : Mr. Bhola Prasad, Advocate.

For the Respondents-State: Mr. Rajiv Roy, GP 1 with
Mr. Arun Kumar, AC to GP 1.

For the Respondents 5&6: Mr. Sanjeev Kumar Singh, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-03-2017

Re. Interlocutory Application No. 2997 of 2016.

The delay of 121 days in filing of the Letters Patent
Appeal is condoned. The Interlocutory Application is allowed.

Re. Letters Patent Appeal No. 634 of 2016.

Title to the land in question by the petitioners having not
been proved in the proceedings held before the Writ Court, the learned



Writ Court has not committed any error in dismissing the Writ Petition once it was satisfied that the land was surrendered by the previous owner under The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.

2. However, in case the petitioners are still in possession of the land in whatever status it may be, if any right accrues to the petitioners based on such position, the petitioners are free to take recourse to such remedy as may be available under the law for protecting their position but on the ground canvassed in this appeal, finding no error in the order passed by the learned Writ Court, the appeal is dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Dilip, A.R.

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

