

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1317 of 2015
IN
Civil Writ Jurisdiction Case No. 7865 of 2007**

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1. Anuradha Mehta @ Anuradha Mundkur, aged about 53 years, D/o Late Ravindra Nath Mehta, W/o Sri Valmik Mundkur, Resident of Mehta Compound, Jail Road, Police Station Town, District Muzaffarpur, at present residing at 36/201 Heritage City, Mehruali Gurgaon Road, Gurgaon 122002, Haryana, India

.... Appellant/s

Versus

1. The State of Bihar.
2. The Collector Sitamarhi, Distt.-Sitamarhi.
3. The Additional Collector Sitamarhi, Distt.- Sitamarhi.
4. The Sub-Registrar, Runnisaidpur, Distt.- Sitamarhi.
5. The Sub-Registrar, Muzaffarpur, Distt.- Muzaffarpur.
6. Arvind Poddar S/o Shri Bhagwan Poddar R/o Mohalla- Jawaharlal Road, P.O. & P.S.- Muzaffarpur Sadar, Distt.- Muzaffarpur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sandip Kumar
For the State : Mr. Sanjeet Kumar Singh, AC to AAG 6
For Respondent No.6 : Mr Rakesh Chandra
Mr R.K.Dubey

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 27-01-2017

A delay of 1803 days has been sought to be explained by the appellant that initially an LPA filed against the impugned order dated 9.12.2009 got admitted and thereafter it was permitted to be withdrawn with liberty to file a review application. The review application has also been dismissed. Therefore, a second round of appeal has been filed assailing the order passed in CWJC No.7865 of 2007.

Not only the reasons so offered does not instill and inspire



confidence that it is a fit case where condonation ought to be made but even if the condonation is made of such a great delay and I.A. No.5757 of 2015 is allowed, the finding of the learned Single Judge is not required to be interfered with for the simple reason that the property or land in question was alienated when the power of attorney was very much valid and subsisting. The sale has been registered. Mutation has been done. If the appellant seriously wants to contest the ownership then she has remedy under law by may be moving a civil court of competent jurisdiction for appropriate declaration. The remedy and the jurisdiction which is sought to be invoked under Article 226 of the Constitution of India may not be the correct forum for such kind of civil disputes.

The order dated 9.12.2009 passed in CWJC No.7865 of 2007, therefore, is not required to be interfered with. There is no infirmity either in fact or law, which requires to be rectified.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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