

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1658 of 2013

In

Civil Writ Jurisdiction Case No.13766 of 2008

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1. Awadhesh Prasad S/O Late Chokat Bhar R/O Village Hussepur, Tola Bhagwanpur, P.S. Bhorey, District Gopalganj
 2. Rajendra Prasad S/O Late Chokat Bhar R/O Village Hussepur, Tola Bhagwanpur, P.S. Bhorey, District Gopalganj

... .. Appellants

Versus

1. The State Of Bihar
2. Bihar Bhudan Committee, Congress Maidan, Kadamkuan, Patna - 3 Through Its Chairman
3. Chairman, Bihar Bhudan Yagna Committee Congress Maidan, Kadamkuan, Patna - 4
4. Office Secretary, District Bhudan Yagna Committee, Arar More, Gopalganj, Ps And District Gopalganj
5. Nathuni Bhar S/O Late Maniraj Bhar R/O Village Hussepur, Tola Bhagwanpur, P.S. Bhorey, District Gopalganj

... .. Respondents

Appearance :

For the Appellants	:	Mr. Chandra Kant, Advocate
For the Respondent No.3:		Mr. Ashok Kumar, Advocate
For the Respondent No.5:		Mr. Suresh Prasad Bhakta, Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 17-08-2017

Heard counsel for the appellants and counsel for the respondents.

In the given facts and circumstances the learned single Judge was left with no option but to relegate the matter to the Bhudan Yagna Committee to hold an enquiry after giving an opportunity of hearing to the parties and decide with regard to the authenticity of the holders of the *Praman Patra* either on behalf of the appellants or the private



respondent, who is the petitioner.

In the appeal, the Court directed the counsel for the Bhudan Yajna Committee to file a counter affidavit. The counter affidavit does not make the things better for either of the parties especially when they have made a categorical statement that no documents and records are available with them with regard to the said issuance of *Praman Patra* either way, therefore, direction of the learned single Judge putting the burden upon the Bhudan Yajna Committee to hold an enquiry is of no consequence.

However, they have also taken a plea that any dispute of such kind in a series of writ applications, details of which have been provided in paragraph 14 of the counter affidavit filed on behalf of respondent No.3, parties have been given indulgence to move an appropriate forum or may be even the Bihar Land Tribunal for an appropriate adjudication of the case on whatever authentic documents they have in possession, the validity can be tested through other means.

In view of the above, the Court is not inclined to interfere with the order of the learned single Judge by either declaring anything in favour of the appellant or accepting the



assertions and averments which were made in the writ application while seeking relief.

The appeal is disposed of with liberty to the contesting parties to choose the forum they would like to avail.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

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