

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1010 of 2014
IN
Civil Writ Jurisdiction Case No. 342 of 2009**

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Praful Kumar Sinha, Son of Late Mahadev Prasad Sinha, Resident of Village- Chai,
P.S- Jhajha, District- Jamui.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar
2. The District Magistrate, Jamui.
3. The Circle Officer, Jhajha, Jamui.
4. Sudhir Kumar Sinha, Son of Dashrath Prasad, Resident of Village- Chai, P.S.-
Jhajha, District-Jamui.
5. Dilip Kumar, Son of Bidya Bhushan Prasad, Resident of Village- Chai, P.S.-
Jhajha, District- Jamui.

.... Respondent/s

With

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**Letters Patent Appeal No. 1015 of 2014
IN
Civil Review No. 420 of 2013**

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Praful Kumar Sinha, S/o late Mahadev Prasad Sinha, Resident of Village - Chai
P.S. Jhajha, District - Jamui.

.... Appellant/s

Versus

1. The State of Bihar.
2. The District Magistrate, Jamui.
3. The Circle Officer, Jhajha, Jamui.
4. Sudhir Kumar Sinha, son of Dashrath Prasad, Resident of Village - Chai P.S.
Jhajha, District - Jamui.
5. Dilip Kumar, son of Bidya Bhushan Prasad, Resident of Village - Chai P.S.
Jhajha, District - Jamui.

.... Respondent/s

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Appearance :

(In both the appeals)

For the Appellant/s : Ms. Sushmita Mishra, Advocate

For the State : Mr. Dev Kr. Pandey, AC to GP-2

For the Pvt. Respondents: Mr. Rajesh Kr. Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-03-2017



Both these appeals are filed under Clause X of the Letters Patent challenging the order passed by the learned Writ Court in Civil Writ Jurisdiction Case No.342 of 2009 on 12.09.2013 and an order passed in Civil Review filed being Civil Review No.420 of 2013 arising out of the same writ petition, i.e. Civil Writ Jurisdiction Case No.342 of 2009.

In the matter of construction of *Samudaik Bhawan* finding that there is serious dispute on fact, the learned Writ Court has relegated the appellant to take recourse by approaching the Civil Court of competent jurisdiction by holding that the Civil Court would be more appropriate to appreciate the dispute and issue a declaratory decree. In doing so, in the facts and circumstances of the case, the learned Writ Court has not committed any error warranting reconsideration. Both the Letters Patent Appeals are, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	N.A.F.R.
CAV DATE	N. A.
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