

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.981 of 2015
IN
Civil Writ Jurisdiction Case No. 970 of 2015**

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1. Kalyan Kumar Singh son of Late Jaminikant Singh resident of Village-
Sikandarpur, P.O.- Shyam Bazar, Police Station-Bausi, District- Banka.

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Forest Department, Government of Bihar, Patna.
3. The District Magistrate, Banka.
4. The Divisional Forest Officer, Banka Forest Division, Banka.
5. Range Officer, Bounsi Range, Banka.
6. The Forest Officer, Bounsi, Banka.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Birendra Kumar Singh

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 02-08-2017

Vide order dated 30th March, 2015, the learned Single Judge has dismissed the writ application of the present appellant refusing to entertain the writ application and grant any relief or compensation on the ground of illegal seizure of his JCB machine.

The learned Single Judge took note of the fact that for similar kind of relief as well as release, a criminal writ had been filed and the said Bench after considering the submissions negated the prayer for compensation and damages. The civil writ when it was filed and argued before the learned Single Judge a second time over,



the learned Single judge took a legal view that the writ for the same relief is not maintainable.

There is nothing wrong with the reason assigned for dismissal of the writ application and even otherwise since it is a tortious liability, the remedy for the appellant would be under common law and not under extraordinary jurisdiction.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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