

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4938 of 2013

In
Letters Patent Appeal No.1514 of 1995

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Sita Ram Singh, son of late Sri Ganaur Singh, resident of Village
Ramchandrapur, P.S. Ujiarpur, District-Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Prasad Singh, Advocate

For the Respondent/s : Mr. Kinkar Kumar, SC 27
Mr. Niraj Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 15-09-2017 This application has been filed for restoration of LPA
No.1514 of 1995 which was dismissed on account of a
peremptory order passed.

As this application is pending since 2013 and the LPA was
of the year 1995, we have gone through the records of LPA and
we find on going through the records that LPA was filed
challenging an order dated 21st September, 1995 passed in
CWJC No.3703 of 1995. In the said writ petition, i.e. CWJC
No.3703 of 1995, challenge was made to an order passed by the
Collector, Samastipur on 16.10.1984 in Case No.521 of 1989
imposing a fine of Rs.250/- on account of the fact that the



petitioner has purchased the plot in question from respondent No.4 in the writ petition one Kapildeo Singh and transfer is contrary to Section 5 and read with Section 32 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956.

Even though, learned counsel had argued that the transfer was permissible and holding of the transfer to be contrary is not a proper, we find that the transaction took place in the year 1984, the impugned orders were passed in the year 1995 and the orders does not have adverse effect with regard to actual sale or possession of the property either of the petitioner or the person to whom it was transferred, only coercive action was imposing a fine of Rs.250/- as provided under Section 32 of the Act.

That being the position, now after such a long period of time, it was not necessary to go into various legal questions involved, they are kept open to be considered in an appropriate case as and when required. As the petitioner is only aggrieved by the order imposing a fine of Rs.250/-, we see no useful purpose will be served by allowing the application and restoring LPA No.1514 of 1995.

Keeping in view the aforesaid, we dispose of this application keeping all the legal questions agitated in the LPA



open to be considered in an appropriate case, if required on a
future date.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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