

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1279 of 2015
IN
Civil Writ Jurisdiction Case No. 9352 of 2010**

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1. Ram Charitra Rai,
2. Ramanand Rai,
3. Parmanand Rai,
4. Ashok Kumar, All sons of Late Bhairo Rai, Resident of village Hario, P.S. Sultanganj, P.O. Akbarnagar, District Bhagalpur.

.... Appellants

Versus

1. The State of Bihar, through the Commissioner-cum-Secretary Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Board of Revenue, Bihar, Patna through it's member.
3. The District Magistrate-cum-Collector, Bhagalpur.
4. The Deputy Collector, Land Reforms, Bhagalpur.
5. The Superintendent of Police, Bhagalpur.
6. Rajendra Rai, son of Late Basant Rai, resident of Bhavnathpur, P.O. Rannuchak Makundpur, P.S. Sultanganj, Bhagalpur.
7. Muni Lal Kunwar @ Munna Kunwar son of Shri Lakhan Lal Kunwar resident of village Bhavnathpur, P.O. Rannuchak Makundpur, P.S. Sultanganj, Bhagalpur.
8. Radheshyam Kunwar son of Shri Lakhan Lal Kunwar resident of village Bhavnathpur, P.O. Rannuchak Makundpur, P.S. Sultanganj, Bhagalpur.

.... Respondents

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Appearance :

For the Appellants : Mr. Gautam Kumar Kejriwal, Advocate
For the Respondent State: Mrs. Kumari Amrita, GP-3
Mr. Rajesh Kumar, AC to GP-3
For the Respondent No.6: Mr. Ganpati Trivedi, Senior Advocate
Mr. Manoj Kumar Jha, Advocate

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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: 30-03-2017

Heard counsel for the appellants, counsel for the respondents including the State.

The dismissal of the writ application vide order dated 01.07.2015 by the learned single Judge is the cause for the appellants



to prefer this appeal under Letters Patent.

There is nothing illegal about the learned single Judge refusing to exercise discretion under Article 226 of the Constitution of India especially when there is a statutory appeal available against the impugned order to the appellants.

Whatever submissions, which have been made by the learned counsel representing the appellants, before us can also be appreciated by the appellate authority and none of the submissions are of a kind which cannot be heard and decided in appeal.

No interference, therefore, is warranted with the order impugned.

Appeal is dismissed.

Appellants are free to file appeal even now if they choose.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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