

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.633 of 2016

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1. Bachha Rai. Son of Late Ramashish Rai
 2. Krishna Murari, Son of Late Jamadar Rai Both are resident of village - Dhanesh Chapra, Police Station - Janta Bazar, District- Saran at Chapra.

.... Appellant/s

Versus

1. The Jai Prakash University through its Vice Chancellor, Rahul Sankriyan Nagar, Chapra (Bihar).
2. The Vice Chancellor, Jai Prakash University, Saran at Chapra.
3. The Registrar, Jai Prakash University, Saran at Chapra.
4. The Principal, Lok Mahavidyalay Hafizpur, Baniyapur, Saran.
5. Bashistha Rai Son of Late Vishwanath Singh resident of village - Hafizpur, Police Station - Baniyapur, District- Saran at Chapra.
6. Rampukar Rai Son of Late Laxmi Rai resident of village - Dhanesh Chapra, Police Station - Janta Bazar, District- Saran at Chapra.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bindhyachal Singh, Advocate
Mr. Satya Prakash, Advocate
For the Respondent/s : Mr. Mrigendra Kumar, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 07-03-2017

1. The present Letters Patent Appeal arises out of an order passed by the learned Single Bench on 8th of March, 2016 whereby the writ application was dismissed *inter alia* for the reason that title suit between the parties is pending before the Civil Court.

2. Learned counsel for the appellants contends that the appellants are not the plaintiffs, but are the defendants as the title suit has been filed by respondent Nos.5 and 6.



3. We have heard learned counsel for the parties and find no merit in the argument.

4. The fact is that the parties are before the Civil Court. The appellants may be defendants, but the fact remains that the question of title over the land in question is pending adjudication before the Civil Court. If the defendant is claiming any right as in the present writ application, it is open to the appellants to avail such remedy either in the same suit or by filing a separate suit, as may be advised, in accordance with law, but writ jurisdiction cannot be invoked when the parties are before the Civil Court.

5. Consequently, we do not find any merit in the present Letters Patent Appeal. The same is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

K.C.jha/-

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