

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.390 of 2016

IN

Civil Writ Jurisdiction Case No. 113 of 2013

- =====
1. Yoganand Singh
 2. Devanand Singh @ Devanath Singh,
 3. Jitendra Kumar Singh, All are sons of Gaya Singh, R/o Village - Kuarpur, P.O. - Parshurampur, P.S. - Pipra, District - East Champaran, Motihari.

.... Appellants

Versus

1. The State of Bihar
2. The Collector, District East Champaran at Motihari.
3. The Sub Divisional Officer, Chakia, District East Champaran, Motihari.
4. The Circle Officer, Anchal Chakia, District East Champaran, Motihari.
5. Vakil Singh, S/o Jagan Singh, R/o Village - Kuarpur, P.S. - Pipra, District - East Champaran, Motihari.

.... Respondents

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Appearance :

For the Appellants	:	Mr. Sharda Nand Mishra, Advocate Mr. Deepak Kumar, Advocate Mr. Dhananjay Kr. Gupta, Advocate Mr. Rajiv Ranjan, Advocate
For the State	:	Mr. Yogendra Prasad Sinha- AA G-15
For the Respondent	:	Mr. Baidyanath Thakur, Advocate

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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: 29-11-2017

Heard learned counsel for the appellants, learned counsel for the private respondent No.5 and learned counsel for the State.

We are *prima facie* satisfied that the proper facts were not presented before the learned Single Judge which led to passing of the order dated 04.01.2013. We have reason to say so keeping in view what the learned Division Bench has



had to observe in its order dated 12.05.2017. Despite the said observation there no clarity emerging from the supplementary counter affidavit filed on behalf of the respondent No. 5. In view of the above, the impugned order dated 04.01.2013, passed in C.W.J.C. No. 113/2013, which anyway was passed without hearing the parties to the dispute, is set aside. The matter is remanded back to the learned Single Judge for fresh adjudication on merits after due opportunity of hearing.

This Appeal is allowed.

(Ajay Kumar Tripathi, J.)

Rajeev/-

(Rajeev Ranjan Prasad, J.)

AFR/NAFR	NAFR
CA V DATE	NA
Uploading Date	04.12.2017
Transmission Date	NA

