

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.697 of 2015
IN
Civil Writ Jurisdiction Case No. 21216 of 2012**

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1. Ram Kumar Singh, son of Late Man Mohan Singh
2. Nishant Mohan Singh, son of Ram Kumar Singh
3. Smt. Raka Rani Singh @ Raka Rani, wife of Ram Kumar Singh
All Resident of Flat no. 105, Ashiyana Vihar, near CDS building, P.S. Gandhi
Maidan, Patna.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and
Land Reforms, Govt. Of Bihar, Pantan.
2. The District Magistrate cum Collector, Katihar.
3. The Sub-Divisional Officer, Sub-Division Katihar, District Katihar.
4. The Deputy Collector Land Reforms , Katihar.
5. The Circle Officer, Katihar Block , District Katihar.
6. Ajit Kr Singh
7. Amit Kumar Singh
Both sons of Late Raghubansh Prasad Singh, resident of Mohalla Durga Asthan ,
Katihar, P.S. and District- Katihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gautam Kumar Kejriwal

For the Respondent/s : Mr. SC31-PANDEY S.SAHAY

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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: 26-07-2017

The learned Single Judge while passing the order dated
11.12.2014 gave the following reasons for remand of the matter:-

*From the record it appears that Case No.745 of
2011-2012 was fixed for 3.5.2012, next date was
14.5.2012, thereafter the case was fixed for 28.5.2012.
The diary dated 28.5.2012 shows that the case was*



fixed for 25.7.2012 but the date was prepounded without notice to petitioner and order was passed on 16.6.2012. It appears from the diary, there is interpolation in the movement register.

Stream of justice cannot be allowed to be polluted by quasi judicial authority, if any iota of evidence creating pollution is available on record this Court can not remain mute expectetor as interpolation cannot be accepted for a minute. In this view of the matter the order dated 16.6.2012 is herby quashed and the matter is remanded back to the DCLR, Katihar who will decide the case on merit. The parties would not be allowed to file fresh document save and except original document, not the Photostat. It is expected that the whole process should be completed within a period of one month from the date of receipt/production of a copy of this order.

The facts being what they are, the learned Single Judge in the interest and propriety has rightly remanded the matter for fresh consideration. The parties will get an opportunity to place their case in terms of the above order.

The time frame of one month, which was fixed by the learned Single Judge, shall continue to remain the same.

The appeal is dismissed.

The records of Batai Case No.745 of 2011, if not already



sent, the same will be sent forthwith. The office will re-verify the position.

(Ajay Kumar Tripathi, J)

Arvind/-

(Rajeev Ranjan Prasad, J)

AFR/NAFR	
CAV DATE	
Uploading Date	28.07.2017
Transmission Date	

