

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.1332 of 2016**

**In**  
**Civil Writ Jurisdiction Case No.7582 of 1995**

- 
- 
1. Mauji Muriyari S/o Late Panchu Muriyari
  2. Prakash Muriyari
  3. Pratim Muriyari
  4. Artim Muriyari Sons of Late Manni @ Muni Muriyari All  
Resident of village - Raghunathpur, Tola Mojaha, P.O.  
Raghunathpur, P.S. Bhargama District - Arariya
- ... .. Appellants

Versus

1. The State of Bihar
  2. The S.D.O., Farbisganj, P.O. & P.S. Farbisganj, District - Araria
  3. The Anchal Adhikari, Bhargama, P.O. & P.S. Bhargama, District - Arariya
  4. Gulab Yadav
  5. Anmol Yadav Both Sons of BHubneshwar Yadav
  6. Bijendra Yadav
  7. Gajendra Yadav Both sons of Maheshwari Yadav
- ... .. Respondents

---

---

**Appearance :**

|                           |   |                                                                      |
|---------------------------|---|----------------------------------------------------------------------|
| For the Appellants        | : | Mr. Narayan Singh, Senior Advocate<br>Mr. Rama Nand Poddar, Advocate |
| For the Respondent State: |   | Mr. Gyan Prakash Ojha, GA-7<br>Mrs. Priya Gupta, AC to GA-7          |

---

---

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**  
**and**  
**HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)**

**Date : 23-11-2017**

Heard learned counsel for the appellants and learned counsel  
representing the State.

There is a delay of 398 days in filing of the present Letters  
Patent Appeal. The ground taken for condonation of delay is that  
their lawyer became ill and could not inform them regarding the  
order passed in the writ application. Save and except that bald



statement made in the application, there is nothing to substantiate the ground taken in the application for condonation of delay.

Still in order to satisfy ourselves as to whether the case involves any substantial question of law which will require reconsideration, we have heard learned counsel for the appellants on the impugned order and have considered the same.

The learned single Judge has categorically held that there are two aspects of the matter which the petitioners do not dispute. Firstly, that there had been a title suit as far back as in the year 1961 in which the right of the petitioners were negated and, secondly, that the petitioners have admitted that out of the said land on which they claimed occupancy raiyat, they had agreed to purchase from the respondents 0.78 acres of land through registered deed. On these two crucial facts, being noticed by the learned single Judge, the writ application was dismissed as it was found that the order passed by the Sub Divisional Officer, Forbesganj, setting aside the order of the Anchal Adhikari, Bhargama, under Section 48 of the Bihar Tenancy Act did not suffer from any illegality or infirmity.

We are satisfied that this Letters Patent Appeal does not involve any substantial question of law which may be required to be considered. The delay is also abnormal and there is no plausible



explanation much less any cogent reason to satisfy us with the sufficiency of the grounds so as to condonation of delay.

The application for condonation of delay is, therefore, rejected. Consequent thereupon the Letters Patent Appeal stands dismissed.

**(Ajay Kumar Tripathi, J)**

**( Rajeev Ranjan Prasad, J)**

Pawan/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | N.A.F.R.   |
| CAV DATE          | N/A        |
| Uploading Date    | 23.11.2017 |
| Transmission Date | N/A        |

