

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1178 of 2013
IN
Civil Writ Jurisdiction Case No. 14480 of 2008**

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1. Ram Khelawan Prasad Singh Son Of Late Babulal Singh Resident Of Mohalla-
Pokharia Near Bari Pokhar, Ward No.24, P.S.- Begusarai, Town & District-
Begusarai

.... Appellant

Versus

1. The State of Bihar
2. The Collector, Begusarai
3. The Additional Collector, Begusarai
4. The Sub-Divisional Magistrate, Begusarai
5. The Deputy Collector, Land Reforms, Begusarai
6. The B.D.O.-Cum-Circle Officer, Begusarai
7. Smt. Usha Rani Singh Wife Of Sri Raj Kishore Prasad Singh Resident Of
Mohalla- Pokharia Near Bari Pokhar, P.S.- Begusarai (Town), District-
Begusarai
8. Raj Kishore Prasad Singh Son Of Not Known To The Petitioner, Resident Of
Mohalla- Pokharia Near Bari Pokhar, P.S.- Begusarai (Town), District-
Begusarai

.... Respondents (Respondents)

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Appearance :

For the Appellant/s : Mr. Manoj Kumar Singh, Adv.
Mr. Brajesh Kumar Pandey, Adv.

For the Respondent/s :

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 13-01-2017

Re.: Interlocutory Application No.6754 of 2013

The application is for condonation of delay of 139 days
in filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find
that sufficient cause is made out for condonation of delay.



Consequently, we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No. 1178 of 2013.

The challenge in the present Letters Patent Appeal is an order passed by learned Single Bench on 16th of October, 2012 whereby the writ application filed by the appellant challenging the measurements of land in question by the Additional District Magistrate remained unsuccessful.

Admittedly, the parties are before the Civil Court claiming title over the land in question. The learned Single Bench has rightly found that as the question of title is pending before the Civil Court, all questions including the title and interest have to be decided by the Civil Court and that the measurements are not final which is subject to final decision of the court.

We do not find any error in the order passed by the learned Single Bench. The measurements by the revenue officials will be evidence, the value to such evidence is required to be assessed by the Civil Court on the basis of the oral and documentary evidence produced by the parties.

We do not find any ground to entertain the present Letters Patent Appeal.



Accordingly, the present Letters Patent Appeal is
dismissed.

(Hemant Gupta, ACJ)

Amrendra/-

(Dinesh Kumar Singh, J)

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

