

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.757 of 2016
In
Civil Writ Jurisdiction Case No.224 of 2008

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Satyadeo Singh & Anr

... .. Appellant/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

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Appearance :

For the Appellants : Mr. Bamdeo Pandey, Advocate

For the Respondent No.5: Mr. Sanjay Kumar Singh, 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 : 22-11-2017

Heard counsel for the appellants and counsel for the private respondent.

Obviously, the story narrated by the appellants in the L.P.A. do not have any foundational basis but it seems to be a more make believe story, which has been built-up to show the ownership and possession over the piece of land.

These aspects have neither been accepted by the D.C.L.R. or the revisional authority and with the concurrent findings, the learned single Judge also refused to interfere. What is of significance is that one land cannot be usufructuary mortgaged twice over when the first mortgage was never redeemed.



Obviously, the story of the second mortgage and the gift was introduced to lay claim over the piece and parcel of land without any clear evidence of title and possession.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	N.A.F.R.
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