

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1866 of 2016

In

Civil Writ Jurisdiction Case No.8291 of 2016

Prof. Pragya Prasad D/o Late E. Ramesh Nanda Prasad, resident of Vasundhara Complex, Ward no.-6, Near N.H. 106, At + PO- Madhepura, P.S- Madhepura, Dist- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar represented through the Chief Secretary, Bihar.
2. The District Magistrate, Madhepura
3. The Sub- Divisional Magistrate, Madhepura.
4. The Land Reforms Deputy Collector, Madhepura.
5. The Circle Officer, Madhepura.
6. The Executive Engineer, PWD Roads, Madhepura.
7. The Executive Engineer, National Highway Authority, Madhepura Division, Madhepura.
8. The Executive Officer, Nagar Parishad, Madhepura.
9. Dr. Kuleshwar Prasad Yadav S/o Late Shiv Prasad Mandal, resident of Ward No. 5, At + PO- Madhepura, P.S- Madhepura, Dist- Madhepura.
10. Navin Kumar S/o Dr. Kuleshwar Prasad Yadav, resident of Ward No.5, At + PO- Madhepura, P.S- Madhepura, Dist- Madhepura.
11. Komal Kumari W/o Navin Kumar resident of Ward No. 5, At + PO- Madhepura, P.S- Madhepura, Dist- Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vivekanand Prasad Singh
For the Respondent/s : Mr. Vishwambhar Prasad, AC to AAG 5

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

2 13-12-2017 Delay of 36 days in preferring the appeal is condoned.

I.A. No.7776 of 2016 is allowed. Matter is taken up on merits thereafter.

Dismissal of the writ application was the only option available to the learned Single Judge because he rightly refused



to interfere in a disputed claim where now, even a declaration has been given in favour of the private respondents. The remedy will have to be found within the provisions of the CPC and not extraordinary remedy under Article 226 of the Constitution of India.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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