

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1072 of 2016

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1. Basishth Gupta, son of Late Tilangi Prasad Gupta.
 2. Satyadeo Sharan Gupta, Son of Late Tilangi Prasad Gupta.
 3. Basudeo Prasad Gupta, son of Late Tilangi Prasad Gupta.
 4. Bipin Bihari Gupta, son of Late Tilangi Prasad Gupta.

All are residents of village: Sarsar, P.S. Siwan Mufassil, District: Siwan.

.... Appellants

Versus

1. The State of Bihar.
2. The Member Board of Revenue at Old Secretariat Building P.S. Sachivalaya, District Patna.
3. The Additional Collector, Siwan, District: Siwan.
4. The Deputy Collector, Land Reforms Siwan, P.S. Siwan Muffasil, District: Siwan.
5. Bijadhar Singh, son of Late Gokhul Singh, Resident of Village: Karana Karaua, P.O. Pachalaxhi, P.S. Siwan Muffasil District- Siwan.
6. Most. Kailashi Devi, Wife of Late Bahadur Singh.
7. Dinesh Singh.
8. Ramesh Singh.
9. Chhotu Singh. All sons of Late Lal Bahadur Singh, All residents of village: Karana Kararua, P.O. Pachlakhi, P.S.Siwan Muffasil, District: Siwan.

.... Respondents

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Appearance :

For the Appellants : Mr. Awadhesh Kumar Singh Tarun, Advocate
For the Respondents : Mr. Raghav Prasad, Advocate
For the State : Mr. Fakhruddin Ali Ahmad, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 16-11-2017

Heard learned counsel for the appellants, the
private respondents and the State.



The appellants are aggrieved by order dated 04.04.2016 passed in C.W.J.C. No. 8113/2003 by which the learned Single Judge has dismissed the writ application in view of the fact that the respondent no. 5, who is admittedly the purchaser, was not noticed, and an order in this regard, which was peremptory in nature, was not complied with by the appellants.

From the order dated 04.04.2016, which is impugned in the present appeal, it appears that the present appellants did not take any steps to comply with the peremptory order dated 05.02.2008, and even though the writ application, as against respondent no. 5, stood dismissed due to non-compliance, an application for restoration was filed, but the same stood dismissed on account of non-compliance of the peremptory order dated 24.11.2010. It is this order dated 24.11.2010 which has already attained finality.

Learned counsel for the appellants submits that the writ application could have proceeded as against the other private respondents. However, we agree with the view taken by the learned Single Judge that in absence of respondent no. 5, who is admittedly a purchaser of a piece of land and his sale



deed is also the subject matter of the preemption application,
the writ application could not have been decided.

There is no illegality or infirmity in the impugned
order. This appeal has no merit. It is, accordingly, dismissed.

(Ajay Kumar Tripathi, J.)

Rajeev/-

(Rajeev Ranjan Prasad, J.)

AFR/NAFR	NAFR
CAV DATE	NA
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