

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2134 of 2015
IN
Civil Writ Jurisdiction Case No. 5340 of 2015**

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1. Pramila Singh Wife of Sri Anil Singh
2. Anil Singh Son of Sri Devanand Singh Both R/o Mohalla - Shivpuri Road No. 1,
Adjacent to Nala, P.S. Shastri Nagar, District - Patna

.... Appellant/s

Versus

1. The State of Bihar
2. The District Magistrate, Patna
3. The Deputy Collector Land Reforms, Sadar, Patna
4. Rajesh Kumar Son of Tarakant Jha Resident of "Mitranya" 444, East Mahesh
Nagar, Opp. Shivpuri Railway Halt, P.S. Patliputra, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr J.S.Arora, Sr. Advocate
Mr. Manoj Kumar
For the State : Mr. AC to AAG 15
For the Pvt. Respondent : Mr Rajesh Kumar, In person

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 11-04-2017

This Court has nothing more to add to the very precise adjudication which has been made by the learned Single Judge, who has traced the entire history of the litigation between the parties in his order dated 22.7.2015, which is under challenge in the present appeal before the Division Bench. The Court cannot put it better than what the learned Single Judge had to say in the conclusion, which is as follows :

“As has also been observed in the earlier round of litigation that the petitioners are merely trying to prolong the litigation, it would not detain this Court



to hold that the writ petitioners have abused the process of the Court and have wasted precious time by indulging in frivolous litigation.”

A cost of Rs.50,000/- was awarded by the learned Single Judge in the above background but this has not deterred the appellants from abusing the process of Court because some more developments have taken place.

The Court is of the opinion that the appellants feel that they can play around with Courts of law according to their convenience and the forum of justice is available for misuse because they have the resources and money to play around in litigation which has reached some kind of finality in earlier rounds, which too has been noticed in detail by the learned Single Judge in following words in paragraph 1:

“The petitioners questioned the order dated 20.3.2012 passed by the Deputy Collector Land Reforms, Patna Sadar in Land Dispute Resolution Case No.93 of 2011-12 before the Commissioner, the Bihar Land Tribunal and finally in CWJC No.18093 of 2013, which was dismissed by the learned Single Judge vide judgment and order passed on 19.9.2013 and affirmed by the Division Bench in L.P.A. No.1289 of 2013. The contest having reached a finality it is sought to be reopened in the backdrop of the order dated 5.12.2013 passed in the writ petition preferred by the two brothers of the writ petitioner no.1 herein bearing CWJC No.16583 of 2013. Even when the writ court while considering the matter in CWJC No.16583 of 2013 had clarified the position that the order impugned dated 20.3.2012 passed by DCLR in Land Dispute Resolution Case No.93 of 2011-12 was set aside only to the extent of the said writ petitioners and remitted the matter back for reconsideration by the original authority only for addition of the brothers in the contest and



opportunity of hearing to them and whereafter the order impugned has been passed but this order so passed on remand is being interpreted as a fresh cause of action by the present petitioners. Its absolute absurdity that the petitioners who have lost their contest up to the Division Bench are trying to reopen concluded proceedings relying on the order passed in the case of their brothers.”

A message must go that valuable judicial time cannot be misused by such persevering litigants, therefore, this Court also thinks that a cost of Rs.50,000/- should be imposed upon the appellants, which must be paid to the Patna High Court Legal Services Committee within a period of six weeks from today. If the said amount is not paid, the Court will consider taking appropriate steps for recovery of the said amount from the appellants.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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