

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1008 of 2018

In

Civil Writ Jurisdiction Case No.17079 of 2015

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Sanjin Kumar @ Sajivan Kumar @ Sangin Prasad Son of Late Murat Prasad
resident of Village - Deodha, Police Station - Dhanarua in the district of
Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate-cum-Collector, Patna.
4. The Senior Superintendent of Police, District Patna.
5. The Station House officer, Dhanarua, District Patna.
6. The Sub Divisional Officer, Masaurhi in the District of Patna.
7. The Circle Officer, Dhanarua in the district of Patna.
8. The Block Development Officer, Dhanarua, District Patna.
9. Munna Prasad Son of Late Kamta Prasad
10. Satish Kumar Verma Son of Late Chamari Prasad
11. Jainendra Kumar Son of Late Kedar Nath Verma
12. Mahendra Prasad Son of Late Jagdish Prasad
13. Arjun Prasad Son of Late Mathura Prasad
14. Vivek Kumar Son of Mina Prasad All are residents of Village - Deodha,
Police Station - Dhanarua in the district of Patna.
15. Upendra Kumar Son of late Mahesh Prasad Singh
16. Kanhaidhari Singh Son of late Ghanshyamdhari Singh Both are resident of
village - Deodaha, Police Station - Dhanarua in the district of Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Mr. Md.Khurshid Alam -AAG12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 02-08-2018 This Letters Patent Appeal has been preferred for
setting aside the order dated 25.06.2018 passed by the learned



Writ Court in Civil Writ Jurisdiction Case No. 17079 of 2015.

The order impugned is in the nature of interim order passed during the pendency of the writ application.

Learned counsel for the appellant has even though taken efforts to argue the matter on merit but finding that the writ application was still pending before the learned Writ Court when the impugned order was passed directing the official respondents to take the proceeding of Encroachment Case No. 02 of 2015-16 to its logical conclusion within a period of 3 months and thereafter, directions have been issued to respondent no. 3 to depute Senior Officer of the District Administration for conducting videography of the land, we find that the appellant instead of moving before the learned Writ Court in a proper application has wrongly approached this Court in the Letters Patent Appeal.

This Court is of the considered opinion that in the nature of interim order, it cannot be said to be one of those category of cases which have been enumerated by the Hon'ble Apex Court in the case of **Midnapore Peoples' Coop. Bnak Ltd. and Others Versus Chunilal Nanda and Others** reported in **(2006) 5 Supreme Court Cases 399**, whereunder Letters patent Appeal may lie.



The Letters Patent Appeal is thus, dismissed in limine giving liberty to the appellant to move before the learned Writ Court, if so advised, in accordance with law.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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