

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2041 of 2016
IN
Civil Writ Jurisdiction Case No. 8847 of 2014**

- =====
1. Nitesh Kumar Sinha
 2. Nitin Kumar Sinha Sons of Late Anjani Kumar Sinha R/o Village+P.O.+P.S.
Kochas, District Rohtas.

.... Appellant/s

Versus

1. The State of Bihar
2. District Magistrate, Rohtas.
3. Addl. Collector, Rohtas (Sasaram).
4. The Sub- Divisional Officer, National High Way (Bhatal Paribahan Bibhag
Bharat Sarkar) Sasaram, Rohtas.
5. The Sub- Divisional Officer, P.W.D. (Road), Sasaram, Rohtas.
6. Deputy Collector Land Reforms, Sasaram, Rohtas.
7. The District Land Acquisition Officer, Rohtas.
8. Anchal ADhikari, Kargahar, Rohtas.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rewti Kant Raman, Adv.

For the Respondent/s : Mr.

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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: 04-01-2018

Heard counsel for the so called legal heirs of the original
petitioner before the Writ Court and the counsel for the State.

The writ filed by the father of the present appellants stood
dismissed on 19.09.2016 for the following reasons:

“After having heard the parties, this Court is



of the opinion that no useful purpose shall be served by keeping the present matter pending any longer, as the writ petition has to fail at least on three grounds; firstly, the impugned order was passed on 30.11.1999 and the present writ petition has been filed on 09.05.2014 i.e. after delay of about 15 years. No valid explanation has been furnished by the petitioner for approaching this court in the present writ petition after such a huge and unexplained delay of about 15 years; secondly, the Title Suit No. 474 of 1998 filed on behalf of the petitioner has indisputably been dismissed by the learned Sub-Judge-IV, Sasaram by a judgment and decree dated 24.07.2009. Therefore, the claim of right, title and possession of the petitioner over the lands in question has not been accepted by the Civil Court; and thirdly, the impugned order is appealable and revisable, but no appeal or revision was filed by the petitioner against the impugned order passed on 30.11.1999 and overall the writ petitioner is said to have died as per the submission made by the learned counsel for the petitioner, but his heirs and legal representatives have not come forward to get themselves substituted in place of sole deceased petitioner for prosecuting the present writ petition. In absence of any substitution petition having been filed by the heirs and legal representatives of the deceased petitioner the writ petition has abated..”

If it was a simple case of abatement because of death of the father of the present appellants and failure to substitute him, the court may have given some considered opinion but minus the said ground the other two grounds are also cogent and valid reasons and this Court is not inclined to interfere with the order of the learned



Single Judge.

The appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/Devendra

AFR/NAFR	NAFR
CAV DATE	NA
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