

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1570 of 2016
IN
Civil Writ Jurisdiction Case No. 25686 of 2013**

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Smt. Preeti Sinha, W/O Late Shashi Bhushan Rai, Resident Of C/O Dr. U.N Sinha, Road No. 3, Rajendra Nagar, P.S. Kadamkuan, District Patna. through Power of Attorney holder namely Dr. U.N. Sinha Son of Dr. R.V. Sinha resident of Road No.-3, Rajendra Nagar, P.S. Kadamkuan, District- Patna.

.... Appellant

Versus

1. The State Of Bihar through the Chief Secretary, Government Of Bihar, Patna.
2. Ranjan S. Roy, S/O Dr. Ram B. Roy, Resident Of 1312 Over Hill Road, Salisbury, North, Gorolinia 28144-8415 U.S.A.
3. Samual J. Roy, S/O Dr. Ram B. Roy, Resident Of 1312 Over Hill Road, Salisbury, North, Gorolinia 28144-8415 U.S.A.
4. Sanjukta D. Roy, W/O Late Dr. Ram Babu Roy, Resident Of Flat No. 306, Narayan Shree Apartment, Mazar Gali, Sheikhpura, P.S. Shastri Nagar, District Patna and at Salisbury, North Keriline, USA, through Attorney Satyabarat Singh, Village Nisharpura, P.S. Phulwari Present P.S. Parsa Bazar, District Patna.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Md. Anis Akhtar, Adv.

For the Respondent/s : Mr. Bipin Kumar, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date: 04-09-2018

Re: I.A.No. 6278 of 2016

This interlocutory application is filed for condonation of delay of 76 days in filing the appeal.

We have heard Md. Anis Akhtar, learned counsel appearing for the appellant and Mr. Bipin Kumar, learned AC to SC-3 for the State and having considered the submissions as well as



pleadings on record, we are persuaded to condone the delay of 76 days, which is accordingly condoned.

I.A.No. 6278/2016 is allowed.

Re: L.P.A.No. 1570 of 2016

We have heard learned counsel for the parties on the merits of the contest and taking note of the judgment and order of this Court rendered in the case of **Maheshwar Mandal & anr. V. the State of Bihar & ors.**, reported in 2014(3) PLJR 281, which view of the Division Bench has been endorsed on remand of the matter by the Supreme Court in the judgment and order reported in 2018(3) PLJR 1007 (**Maheshwar Mandal & anr. Vs. State of Bihar & ors.**) as well taking note of the nature of contest in between the appellant and the respondent no. 4, we find no infirmity in the opinion expressed by the learned Single Judge in allowing the aggrieved parties to approach the Civil Court of competent jurisdiction for establishing their respective right, title and possession in relation to a flat situated in Narayan Shree Apartment, Mazar Gali, Sheikhpura, in the District of Patna. We are also satisfied to record that the forum provided under the Bihar Land Dispute Resolution Act, 2009 (hereinafter referred to as 'the act'), does not have the competency to enter into disputed issues which involve adjudication on title and possession as well as appreciation of evidence on record. The opinion of the learned single



Judge is in appreciation of the jurisdiction vested in the statutory authority under ‘the Act’ and since the statutory authority has gone beyond the powers vested in it by the legislature, that the order impugned has been passed but yet after affording liberty to the contesting parties to take recourse to the proper forum. No cause for indulgence is made out.

The appeal is dismissed.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Surendra/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	17.09.2018
Transmission Date	NA

