

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1838 of 2017

In
Civil Writ Jurisdiction Case No.15163 of 2015

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1. Dr. Baijnath Singh Son of Late Lallan Singh permanent resident of Village - Rajpur, Post Office + Police Station - Rajpur, Via - Nokha, District - Rohtas, presently residing at Hasan Bazar situated in Mauza - Kathar, Police Station - Piro, District - Bhojpur.
 2. Binod Singh Son of Late Ramsakal Singh resident of Village - Ram Nagar, Basamanpur, Police Station - Piro, District - Bhojpur, presently residing at Hasan Bazar situated in Mauza - Kathar, Police Station - Piro, District - Rohtas.
 3. Surendra Singh son of Late Brahamdeo Singh resident of Village - Sakari Ram Nagar, Basmanpur, District - Bhojpur, presently residing at Hasan Bazar situated in Mauza - Kathar, Police Station - Piro, District - Rohtas.
 4. Raj Kishore Singh son of Madho Singh resident of village - Hasan Bazar, Mauza Kathar, Police Station - Piro, District - Bhojpur.
 5. Ramjee Singh son of Sri Radha Mohan Singh at present residing Village - Hasan Bazar, Mauza - Kathar, Police Station - Piro, District - Bhojpur.

... .. Appellants

Versus

1. The Union of India, through Secretary Railway, Rail Bhawan, New Delhi.
2. Arrah Sasaram Light Railway Company Limited (involuntary Liquidation) an existing Company having Registered Office - 9, Lal Bazar Street, Kolkatta - 700001.
3. Sri Krishna Singh son of Shri Ramratan Singh 106 Ram Lall Mukherjee Lane, Salkia, Police Station - Golabari, Howrah, presently residing at Hetampur Niwas, Road No. 2, Sheopuri, 243 Patliputra Colony , Patna - 13, at present residence of B - 143 Budha Colony, Patna - 800001.
4. Kedar Nath Fatehpuria, Liquidator, Arrah Sasaram Light Railway Company Ltd. (Involuntary Liquidation) an Existing Company having registered Office - 9 Lal Bazar Street, Kolkatta - 700001.
5. The State of Bihar.
6. The Chief Secretary, Government of Bihar, Patna.
7. The Principal Secretary, Department of Home, Patna.
8. The Collector-cum-District Magistrate, Bhojpur, Arrah.
9. The Superintendent of Police, Bhojpur, Arrah.
10. Inspector of Police, Piro, Bhojpur.
11. Officer-in-Charge, Hasan Bazar (Piro), Bhojpur.
12. The General Manager, E.C.R. , Hajipur, Patna.

... .. Respondents

Appearance :

For the Appellants : Mr. Jagdish Prasad, Advocate
Mr. Ashok Kumar Singh, Advocate
For the Respondent State: Mr. P.K.Verma, AAG-3
For the Respondent No.12 : Mr. Ashok Kumar Keshari, Senior Railway Advocate



Mrs. Kalpana, Advocate

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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 : 25-06-2018

Heard counsel for the appellants and counsel for the Railways.

We are not satisfied that learned single Judge has committed any error of law by dismissing the writ application vide his order dated 30.11.2017. The claim of these appellants that they have purchased the piece and parcel of land on the basis of a specific power of attorney in respect of 1.43 acres of land, which belong to the erstwhile Ara Sasaram Light Railway Company Limited, is obviously a misnomer for the simple reason that this Company is under liquidation and the proceeding is before the Company Judge, which is Company Petition No.623 of 1977, before the Calcutta High Court.

The learned single Judge is absolutely correct in his view that all property, belonging to the erstwhile Company under liquidation, is under the control of authority of the Company Judge as he is *cutodia legis* of the assets and, therefore, if somebody has played fraud on the basis of some kind of a power of attorney and if these appellants have been duped into believing that they are



buying property from a rightful titleholder, the peril is of the appellants and they cannot be in any way protected over and above the proceeding which is going on.

We are not inclined to interfere with the impugned order.
Appeal has no merit. It is dismissed.

If the appellants are so advised, they may take their chances by moving the Company Judge.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	N.A.F.R.
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