

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1859 of 2017

In
Civil Writ Jurisdiction Case No.10548 of 2009

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Sri Prasad Yadav Son of Deoki Yadav, Resident of Mahadeo Nagar, P.S.-
Sheikhpura, District- Sheikhpura.

... .. Appellant

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The District Magistrate, Sheikhpura at Sheikhpura.
3. The Deputy Development Commissioner, Sheikhpura at Sheikhpura.
4. The Sub-Divisional Officer, Sub Division Sheikhpura, District Sheikhpura.
5. The Circle Officer, Circle Sheikhpura (Town), District Sheikhpura.
6. Mahanth Sagar Das, Chele Mahanth Mani Ram Das, Resident of Chak
Diwan, P.S. Sheikhpura, District- Sheikhpura.
- 7.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Manoj Kumar Pandey, Adv.

For the Respondent/s : Mr. M. Nasrul Hoda Khan, SC1

For respondent no.6 : Mr. Abhimanyu Vatsa, Adv.
Mr. Ranjani Knat Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 12-12-2018

L.P.A.No. 1859/2017 with I.A.No. 9489/2017

Heard learned counsel for the parties.

It is more than seven years after the writ petition bearing
C.W.J.C.No. 10548/2009 was disposed by a learned Single Judge
of this Court on 9.4.2010 with an advise to the District Magistrate,
Sheikhpura not to interfere with the private property without
taking a lawful recourse for the purpose that an inter-party contest



is being raised at the behest of the appellant in trying to settle a dispute with the writ petitioner which is in the nature of civil dispute and borders of adjudication of inter-party rights. In what should have been resolved before a Civil Court of competent jurisdiction that a novel method has been adopted by this appellant for espousing it through process of a Letters Patent Appeal.

We have examined the judgment of learned Single Judge and the discussion would confirm that it is an illegal action taken by the District Magistrate, Sheikhpura to interfere with the private property that an objection was raised by the writ petitioner and upheld by this Court to allow the writ petition with an advise to the Collector, Sheikhpura to move in accordance with law. We completely fail to appreciate as to how this opinion of the learned Single Judge on the illegal action undertaken by the Collector, Sheikhpura can aggrieve the appellant and to lay any foundation for adjudication of inter-party rights.

The appeal is misconceived and that it is after a deep slumber of more than seven years that the appellant has chosen to move this Court. We are neither persuaded with the explanation for the delay nor with the issue raised by the appellant through this Appeal.



The limitation petition bearing I.A.No. 9489/2017 is rejected and consequently the appeal is dismissed in limine.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.01.2019
Transmission Date	NA

