

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.446 of 2018
IN
Civil Writ Jurisdiction Case No. 11651 of 2015**

- =====
1. Suresh Mehta son of Late Bimal Mehta
 2. Basant Kumar Mehta son of Late Bimal Mehta
 3. Suman Kumar @ Suman Kumar Mehta son of Suresh Mehta
 4. Sachchidanand Mehta son of Late Bimal Mehta
 5. Mani Kant Mehta son of Late Bimal Mehta
 6. Murlidhar Mehta son of Late Bimal Mehta All Resident of village & P.O.- Bajraha, P.S.- Alamnagar, District- Madhepura
 7. Manendra Singh son of Late Brij Lal Singh residents of village Alam Nagar, Karna Basa, P.O. & P.S.- Alam Nagar, District- Madhepura

.... Appellant/s

Versus

1. The State of Bihar.
2. The Superintendent of Police, Madhepura
3. The Collector, Madhepura
4. The Deputy Superintendent of Police, Uda Kishunganj, Madhepura
5. The Sub Divisional officer, Uda Kishunganj, Madhepura
6. The Officer- in-Charge of Alam Nagar, Madhepura
7. The Block Development Officer, Alam Nagar, Madhepura
8. The Circle Officer, Alam Nagar, Madhepura
9. Brahmchari Paswan son of Ram Bilash Paswan
10. Rajo Paswan son of Muski Paswan
11. Mangal Paswan son of Sita Ram Paswan
12. Bihari Sharma son of Jaggan Sharma
13. Dipan Paswan son of Basudeo Paswan
14. Pramod Paswan son of Ram Bilash Paswan
15. Suchit Paswan son of Muski Paswan
16. Sita Ram Paswan son of Bhukhan Paswan Respondent Nos. 9 to 16 are resident of Etahri, P.S. Alam Nagar, District Madhepura

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Madhuri Lata
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 JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 18-07-2018

Challenging the judgment dated 05.03.2018 passed by



the learned Writ Court in C.W.J.C. No. 11651 of 2015, the petitioners have moved in this intra-court appeal. We have gone through the pleadings available on the records. The learned Writ Court has upon going through the case of the parties found that the Writ Application is with regard to claim of the petitioners as to their possession over the land in question. There was no adjudicated facts before the learned Writ Court to reach on a conclusion that the petitioners have right and title over the land in question.

2. The Writ Court has placed reliance on the judgment of the Hon'ble Apex Court in the case of *Real Estate Agencies Vs. State of Goa and Ors.* reported in (2012) 12 SCC 170 wherein the Hon'ble Apex Court has held that if in the process of determination of the issue, the disputed question of fact or title arise for adjudication, the Writ Court may refuse to the same. The Writ Court has also relied upon yet another judgment of Hon'ble Apex Court in the case of *D.L.F. Housing Construction (P) Ltd. Vs. Delhi Municipal Corpn. and others* reported in (1976) 3 SCC 160 to take a view that where the basic facts are disputed and complicated question of law and facts depending on evidence are involved, the writ Court is not a proper forum for seeking relief.

3. We have gone through the reliefs prayed for in the Writ Application and find that the petitioners of this case moved this



Court for a direction to the official respondents to get released the land of the petitioners from the private respondents and deliver possession of the land in favour of the petitioners. There are various facts which have been noticed by the learned Writ Court in the impugned order and on going through the same, we do not find any error in the impugned judgment. No ground whatsoever has been brought to our notice by the learned counsel representing the appellants so as to take a different view of the matter.

4. The Letters Patent Appeal has, thus, no merit. It is, accordingly, dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-
Ved/-

AFR/NAFR	NAFR
CAV DATE	NA
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