

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1493 of 2017
In
Civil Writ Jurisdiction Case No.8970 of 2017

1. Dinesh Yadav
 2. Brij Lal Yadav
 3. Umesh Yadav
- All are Sons of late Jhotil Yadav and resident of Village- Patilar, Police Station- Chautarwa, West Champaran.

... .. Appellant/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar.
2. The District Magistrate, West Champaran at Bettiah, District- West Champaran.
3. The Superintendent of Police S.P. Bagaha, District- West Champaran.
4. The Sub Divisional Officer, Bagaha, District- West Champaran.
5. The Land Reforms Deputy Collector L.R.D.C., Bagaha District - West Champaran.
6. The Circle Officer, Bagaha-1, District- West Champaran.
7. The Officer-in-Charge, Choutarwa Police Station, Bagaha District- West Champaran.
8. Kamla Devi W/o Rajendra Prasad R/o Village- Patilar, P.S.- Choutarwa, Dist.- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajendra Narayan, Sr. Advocate Mr. Akhileshwar Kumar Shrivastva, Advocate
For the State	:	Mrs. Nutan Sahay, Ac to AAG-12
For Pvt. Respondent	:	Mr. Baxi S.R.P. Sinha, Sr. Advocate Mr. Zaimul Abedi, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

8 30-08-2019 Heard the parties.

A limited issue has been raised by the appellants that the private respondent no.8-writ petitioner has obtained the ex-parte order dated 16.08.2017 passed in CWJC No.8970 of 2017, though the appellants were made party to the writ application,



but the Court having no knowledge about the pendency of Title Suit No.156 of 2016 has passed an innocuous order to ensure compliance of order dated 17.06.2016 passed in Land Disputes Redressal Case No.45/15-16.

As the appellants are claiming that the order is affecting their right in the sense that when the matter is pending before the competent court of civil jurisdiction for deciding the right, title and interest of the parties, in such a situation, compliance of the order would cause unnecessary hurdle and create unruly scene.

As the order has been passed without giving any hearing to the appellants, the same is set aside and the matter is remanded back for fresh hearing in the matter.

However, it is made clear that this Court has not formed/expressed any opinion on the merit of the case.

With this observations and directions, this appeal is allowed.

(Shivaji Pandey, J)

(Partha Sarthy, J)

V.K.Pandey/-

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