

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.197 of 2018

In

Civil Writ Jurisdiction Case No.19317 of 2010

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1. The State of Bihar
 2. The Collector , Khagaria, District Khagaria.
 3. The Sub-Divisional Officer, Khagaria, District Khagaria.
 4. The Deputy Collector, Land Reforms, Khagaria.
 5. The Anchal Adhikari, Khagaria, District Khagaria.

... .. Appellant/s

Versus

1. Suresh Singh Snehi, S/o late Krishan Prasad, Singh, Resident of Village- Sukhasan, P.O. Sukhasan, District Madhepura, at Present R/o Ward No. 11, Gautam Nagar, P.S. and District- Saharsa (Holder of Power of Attorney for Hira Devi , his wife and Basanti Devi, W/o Maiyavan Prasad Singh
2. The Nagar Parishad, Khagaria, through the Executive Officer.

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Nutan Sahay, AC to AAG- 12

For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 24-04-2019

Heard learned counsel for the appellants.

2. L.P.A. No. 196 of 2018, which arose out of the



same impugned judgment, has been dismissed by us on 9th January,2019 by the following order:

“The defect pointed out by the Stamp Reporter is ignored.

2. Heard Shri Asif Kalim, learned counsel for the appellant-State of Bihar.

3. There is an inordinate delay of almost 4 years in the filing of this appeal. Apart from this, the State of Bihar has filed this appeal and from a perusal of the impugned judgment dated 13th February, 2014 passed in C.W.J.C. No. 3097 of 2011 that has given rise to this appeal, we find that there is a clear recital at internal page 6 of the impugned judgment that the State did not dispute the Jamindari returns as well as the Register-II which indicated the name of the predecessor-in-interest of the writ-petitioners.

4. The fact having not been disputed, whether the said entry was manipulated or fraudulent could not in such a summary jurisdiction be upturned by the Collector after almost 60 years. The learned Single Judge was, therefore, justified in observing that this could be done only by recourse to a civil suit.

5. We, therefore, do not find any reason to either condone the delay or even entertain the appeal, which is, hereby dismissed.”



3. This appeal also stands dismissed on the same terms.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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