

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1518 of 2018

In
Civil Writ Jurisdiction Case No.10980 of 2015

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1. Arbind Kumar Sinha, Son of Sri Bhagwat Prasad, Resident of Village-Lalganj, P.S.-Chandi, District-Nalanda at Biharsharif.
 2. Satyendra Kumar Sinha, Son of Sri Bhagwat Prasad, Resident of Village-Lalganj, P.S.-Chandi, District-Nalanda at Biharsharif.
 3. Kumari Renuka, Wife of Sri Navnesh Kumar, Resident of Village-Maheshpur, P.S.-Chandi, District-Nalanda at Biharsharif.
 4. Kamal Nayan, Son of Sri Narendra Mohan, Resident of Mohalla-Jakkanpur D.V.C. Chowk, P.S.-Jakkanpur, Town and Distirct-Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Patna Division, Patna.
3. The Sub-Divisional Magistrate, Hilsa, District-Nalanda at Biharsharif.
4. The Deputy Collector Land Reforms, Hilsa, District-Nalanda at Biharsharif.
5. The Circle officer, Chandi, District-Nalanda at Biharsharif.
6. Ram Ishwar Prasad, Son of Late Lacchu Mahto.
7. Manoj Prasad, Son of Rameshwar Prasad.
8. Mahto Prasad @ Pappu Kumar @ Rajesh Kumar, Son of Rameshwar Prasad.
9. Pappu Kumar @ Pappu Prasad, Son of Late Punit Mahto.
10. Rakesh Kumar, Son of Late Punit Mahto All Residents of Village-Jaitipur, P.S.-Chandi, District-Nalanda at Biharsharif.
11. Akhilesh Prasad, Son of Kishun Prasad, Resident of Village-Malkanagar, P.S. Hilsa, District-Nalanda at Biharsharif.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam- AAG-12

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-02-2020

Re: I.A. No. 9144 of 2018



Heard learned counsel for the parties.

The appeal is reported to be delayed by eight days.

We have considered the affidavit filed in support of the delay condonation application and we find that sufficient cause has been shown to condone the delay in filing the appeal. The delay is condoned and the appeal shall be treated to be within time.

I.A. No. 9144 of 2018 stands allowed accordingly.

Re: L.P.A. No. 1518 of 2018

The appeal filed on 09.10.2018 is listed for hearing for the first time today before the Court.

Heard learned counsel for the appellants and learned counsel for the respondents.

The instant appeal has been preferred against the order dated 30.08.2018 passed by a learned Single Judge of this Court in C.W.J.C. No. 10980 of 2015, titled as Akhilesh Prasad & Ors. Vs. The State of Bihar & Ors, whereby the writ petition stands dismissed.

Having heard learned counsel for the appellants and learned counsel for the respondents, we do not find any reason sufficient enough to interfere with the impugned judgment dated 30.08.2018 passed in C.W.J.C. No. 10980 of 2015, titled as



Akhilesh Prasad & Ors. Vs. The State of Bihar & Ors, for we do not find any perversity therein.

The dispute with regard to the title is *inter se* the family members. Appellants claim to be owner by virtue of a gift deed, which fact is seriously disputed by the co-owners. As such, considering the disputed question of fact, a Writ Court cannot adjudicate the title, and as such, we find that the learned Single Judge has rightly dismissed the writ petition, leaving it open to the parties to have their rights adjudicated before a Civil Court or in other proceedings contemplated under the relevant statute.

As such, we dispose of the present appeal reserving liberty to the appellants to take recourse to such remedies as are otherwise available in accordance with law.

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./-Utkarsh

AFR/NAFR	
CAV DATE	
Uploading Date	14.02.2020
Transmission Date	

