

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.837 of 2019

In

Civil Writ Jurisdiction Case No.1602 of 2017

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Lalit Kumar Singh, Secretary, Purnima Devi Goshala Sonaili, P.S.- Kadwa,
District- Katihar.

... .. Appellant/s

Versus

1. Molai Sharma,
2. Vijay Sharma,
both Sons of Late Baso Sutiha, Resident of Village- Sohla, P.O.- Jhaui, P.S.
Kadwa, District- Katihar, Bihar.
3. The State of Bihar, Through the Principal Secretary, Department of Revenue
and Land Reforms, Government of Bihar, Patna.
4. The Director, Department of Revenue and Land Reforms, Government of
Bihar, Patna.
5. The Divisional Commissioner, Purnea Division, Purnea.
6. The District Magistrate, Katihar.
7. The Deputy Collector Land Reforms, Barsoi, Katihar.
8. The Circle Officer, P.O. and P.S.- Kadwa, Katihar.
9. Devi Sharma, Son of Late Ramchu Sharma,
10. Biru Sharma,
11. Amar Nath Sharma, Son of Devi Sharma,
S. Nos. 9 to 11 are Resident of Village- Shola, P.O.- Jhaui, P.S.- Kadwa,
District- Katihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Jibendra Mishra, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam (AAG12)
Mrs. Nutan Sahay, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-02-2020

Re: I.A. No. 1 of 2019

Heard learned counsel for the appellant and learned



counsel for the respondents.

2. The appeal is reported to be delayed by 103 days.

3. 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.

4. I.A. No. 01 of 2019 stands allowed accordingly.

Re: L.P.A. No. 837 of 2019

The petition filed on 23.07.2019 is listed for hearing for the first time today before the Court.

2. The instant appeal has been preferred against the order dated 12.03.2019 passed by a learned Single Judge of this Court in C.W.J.C. No. 1602 of 2017, titled as Molai Sharma & Anr. Vs. The State of Bihar & Ors.

3. Learned counsel for the appellant/Respondent No. 7 in the writ petition states that as on date there is no matter pending before the Divisional Commissioner, Purnea and also as on the date of the passing of the impugned order dated 12th of March, 2019, the appeal pending before the Divisional Commissioner stood disposed of and that the writ-petitioners filed the petition, subject matter of the present appeal, by



concealing the factum of orders passed by this Court in C.W.J.C. No. 2335 of 2015, titled as Purnima Devi Goshala Vs. The State of Bihar & Ors. Pursuant thereto, the authorities have already passed the order.

4. Statement accepted and taken on record.

5. We find from the impugned order that no right inter se the parties stands adjudicated by the learned Single Judge. The only direction is for disposal of the appeal stated to have been pending before the Divisional Commissioner, Purnea. No adverse order stands passed against the appellant. Whether the writ petition was filed mala fide or not, is an issue to be adjudicated in an appropriate proceedings. As such, we see no reason to interfere in the present appeal.

6. The appeal is accordingly dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./-Utkarsh

AFR/NAFR	
CAV DATE	
Uploading Date	20.02.2020
Transmission Date	

