

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.120 of 2021

In
Civil Writ Jurisdiction Case No.10039 of 2017

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1. Rameshwar Singh Son of Late Kartik Singh @ Kartik Chandra Singh, @ Kartick Singh, Resident of Village - Mahishal, P.S.- Balrampur, District - Katihar.
 2. Nagendra Nath Singh, Son of Late Kartik Singh @ Kartik Chandra Singh, @ Kartick Singh, Resident of Village - Mahishal, P.S.- Balrampur, District - Katihar.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary Revenue, Land and Reforms Department, Bihar, Patna.
2. Additional Secretary, Revenue and Land Reforms Department, Bihar, Patna.
3. The Collector, Katihar, District - Katihar.
4. The Additional Collector, Ceiling, Katihar, District - Katihar.
5. The Sub Divisional Officer, Barsoi, District - Katihar.
6. The D.C.L.R., Katihar, District - Katihar.
7. The Circle Officer, Balrampur Anchal, District - Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Indu Bhushan, Advocate
		Mr. Siyaram Shahi, Advocate
For the Respondent/s	:	Mr.

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

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 09-09-2021

This appeal is directed against the judgment dated



13.09.2019 passed in C.W.J.C. No. 10039 of 2017, titled as Rameshwar Singh & Anr. Vs. The State of Bihar & Ors., by a learned Single Bench of this Court whereby the writ application has been dismissed.

We see no error in the findings returned by the learned Single Judge who has dismissed the petition, inter alia, on the ground of (a) delay and laches and (b) the act and conduct of the petitioner to have ventured into a speculative litigation.

The original order assailed in the writ petition is dated 29th of November, 1999, whereas the writ petition was filed on 18th of July, 2017. This itself is reason sufficient enough to dismiss the writ petition for the petitioner cannot be said to be an illiterate, uneducated person, hailing from a marginalized section of society. That apart, the learned Single Judge, in para Nos. 2 and 3, has culled out the facts leading to the conclusion that the petition, on the admitted facts, was filed only to overreach the orders passed by the authorities.

The transaction in question was found to be sham (Farzi) only to defeat the provisions of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.



As such, we find no reason sufficient enough, more
so in view of **(2015) 9 SCC 1, titled as Jogendrasinhji
Vijaysinghji Vs. State of Gujarat and others.**

The appeal stands dismissed.

Interlocutory application, if any, shall stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
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