

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.167 of 2020

In

Civil Writ Jurisdiction Case No.312 of 2020

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Pati Devi @ Maha Pati Devi W/o Shree Umrao Yadav R/o Village
Kashochak, P.S.- Biharsharif, P.O.- Muroura, District- Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Nalanda.
2. The Superintendent of Police, Bihar Sharif, Nalanda.
3. The District Magistrate, Bihar Sharif.
4. The Sub-Division Officer, Bihar Sharif, Nalanda.
5. The Circle Officer, Bihar Sharif, Nalanda.
6. Sadashiv Sadabahar S/o Late Rajesh Prasad, Resident of 35 Ranipur Khidki,
Dhaal ke Niche, Patna City, Nagla, P.O.- Jhauganj, P.S. Mehdiganj, District-
Patna, Bihar- 800008.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Rajiv Nayan, Advocate
For the State	:	Mr.Prabhat Kumar Verma (AAG-3) Mr. Suman Kumar, AC to AAG-3
For the respondent no. 6	:	Mr. Bindhyachal Singh, Sr. Advocate Mr. Vipin Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 24-11-2021 A petition was filed by writ petitioner stating that his father had purchased the land from Pragash Yadav through a registered sale deed dated 16.02.1990, who had earlier purchased the land from Pati Devi @ Maha Pati Devi @ Rampati Devi through registered sale deed dated 12.02.1986. Pati Devi filed an injunction petition in



Title Suit No. 46 of 2013 with regard to part of the land but the same was dismissed on 07.06.2014 by the learned Sub Judge- II, Nalanda, Bihar Sharif. Thereafter, the writ petitioner filed a petition before the Circle Officer, Bihar Sharif, Nalanda to get his land measured on the basis of registered sale deed executed in favour of his father but the Circle Officer was sitting tight over the matter, hence he filed a writ petition bearing C.W.J.C. No. 312 of 2020. As a result, the writ petition was disposed off vide order dated 18.01.2020, passed in C.W.J.C. No. 312 of 2020, operative part thereof, reads as under :-

“Having considered the submissions of both sides, this writ petition is disposed of with a direction to the Circle Officer, Nalanda, Bihar Sharif to get the land of the petitioner measured within two months from the date of receipt of this order.

With the aforesaid direction, this writ petition is disposed of.”

2. The appellant has filed the instant appeal despite the fact that she was never a party before



the Writ Court. It is, thus, not clear how the present Letters Patent Appeal on her behalf is maintainable.

3. We do not find any infirmity with the direction given by the learned Single Judge to the Circle Officer, Bihar Sharif, Nalanda to get the land of the writ petitioner measured.

4. We make it clear that the said Officer shall comply with the order of the Writ Court dated 18.01.2020, passed in C.W.J.C. No. 312 of 2020, forthwith, by getting the land of the writ petitioner measured afresh, failing which, his higher Authority shall be at liberty to take action against him.

5. There is no ground to interfere in a Letters Patent jurisdiction. Accordingly, the present L.P.A. stands dismissed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

Tiwary/-Ajay/-

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