

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.805 of 2019

In

Civil Writ Jurisdiction Case No.8671 of 2019

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Yogendra Prasad Bhakta Son of Late Chhatradhari Bhagat resident of Village
Ward No- 10 Belahari, P.S. Bathnaha, District- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Revenue and Land Reforms Department,
Government of Bihar, Patna.
3. The Collector, Sitamarhi.
4. The Circle Officer, Bathnaha, Sitamarhi.
5. The Treasury Officer, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Mishra, Advocate
Mr. Varun Kumar, Advocate
For the Respondent/s : Mr. Md.Khurshid Alam (AAG-12)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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**(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.)**

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Date : 04-09-2021

Appellant lays challenge to the impugned order dated
25th of June, 2019 passed by a learned Single Judge of this Court
in CWJC No. 8671 of 2019, titled as Yogendra Prasad Bhakta
Vs. The State of Bihar & Ors.



Learned counsel for the appellant states that the original writ-petitioner/appellant, namely Shri Yogendra Prasad Bhakta has since expired leaving behind his surviving legal heir, namely, Bibheshwar Kumar, son of Shri Yogendra Prasad Bhakta (appellant).

On the oral request made by the learned counsel for the appellant, name of the original appellant is substituted with that of the surviving legal heir, mentioned supra.

Registry to make necessary correction in the memo of parties, both on the digital as also the physical file.

Having heard learned counsel for the parties, we do not find any reason sufficient enough to interfere with the impugned order dated 25th of June, 2019 passed in CWJC No. 8671 of 2019, titled as Yogendra Prasad Bhakta Vs. The State of Bihar & Ors.

The learned Single Judge has rightly held that the disputed question of fact cannot be adjudicated in a writ petition. The learned Single Judge has already granted liberty to the writ-petitioner, now which would also bind the surviving legal heir, to approach the authorities, in accordance with law for venting out the grievances, in accordance with law.

As such, the present appeal stands disposed of



reserving liberty, as prayed for, to the surviving legal heir, to approach the authorities. Needless to add, the said liberty is already there in the impugned order.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
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