

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No. 1334 of 2019

In

Civil Writ Jurisdiction Case No.18278 of 2019

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Raj Kumar Bhagat, S/o Late Besari Lal Bhagat, Resident of Village-
Sadikpur, Police Station and P.O. Saraiya, District- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar through D.M. Muzaffarpur, P.O. and P.S.- Muzaffarpur Town, Distt.- Muzaffarpur.
2. Registrar Registry Office, Muzaffarpur, P.O. and P.S.- Muzaffarpur Town, Distt.- Muzaffarpur.
3. Sri Pravav Shankar, S/o Late Badri Narain Singh, Resident of Village- Manikpur, P.S. and P.O.- Saraiya, Distt.- Muzaffarpur.
4. Sri Hari Kishore Prasad Singh, S/o Late Damodar Prasad Singh, Resident of Village- Manikpur, P.S. and P.O.- Saraiya, Distt.- Muzaffarpur.
5. Sri Harideo, S/o Late Damodar Pd. Singh, Resident of Village- Manikpur, P.S. and P.O.- Saraiya, Distt.- Muzaffarpur.
6. Sri Vijay Shankar Singh, s/o Late Hari Shankar Singh, Resident of Village- Manikpur, P.S. and P.O.- Saraiya, Distt.- Muzaffarpur.
7. The State of Bihar through I.G. Registration, P.o.- G.P.O., P.S.- Sachiwalaya, Distt.- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Amit Anand, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 15-03-2021

Heard the parties.

Aggrieved by judgment and order dated 13.09.2019



passed by learned Single Judge of this Hon'ble Court passed in C.W.J.C. No. 18278 of 2019 dismissing the writ petition present L.P.A. has been filed by appellant/petitioner.

Appellant had filed writ petition for setting aside the sale deeds executed by respondent no. 3 to different purchaser as the sale deeds were void ab initio.

It was further stated that lands have been wrongly recorded in the name of Late Badri Narayan Singh, Late Damodar Prasad Singh and others, although they do not have any title and possession over the land and after abolition of Jamindari, the land vested in the State of Bihar and appellants are residing there for more than 70 years.

It has been further stated that respondent no. 3 has filed a title suit being Title Suit No. 196 of 2002 which is pending in the court of learned Sub-Judge-1st for declaration of his title and recovery of possession, as such, the learned Single Judge has rightly dismissed the writ petition as being misconceived and not maintainable and also imposed a cost of Rs. 5000/- while dismissing the writ petition.

This Court does not find any infirmity or error in the order passed by the learned Single Judge requiring any interference by the Court, accordingly, the L.P.A. is dismissed.



However, in the facts and circumstances of present case, the cost of Rs. 5000/- as imposed by the learned Single Judge is set aside.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.03.2021
Transmission Date	NA

