

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1949 of 2015

In
Civil Writ Jurisdiction Case No.5653 of 2009

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1. Pradeep Kumar and Ors Son of Late Chandra Kishore Prasad, Resident of Hulas Vihar, Infront of Police Colony, P.S.- Gardanibagh, District- Patna.
 2. Md. Umar Farooque, Son of Md. Mobuddin, Resident of Village- Dhanaut, P.S- Danapur, District- Patna.
 3. Md. Usman Gani Shamshad, Son of Md. Mobuddin, Resident of Village- Dhanaut, P.S.- Danapur, District- Patna.
 4. Md. Yasar Arafat, Son of Md. Mobuddin, Resident of Village- Dhanaut, P.S- Danapur, District- Patna.
 5. Md. Abubaka Sajjad, Son of Md. Mobuddin, Resident of Village- Dhanaut, P.S- Danapur, District- Patna.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Secretary, Veterinary and Fisheries Department, Government of Bihar.
3. The District Magistrate, Patna.
4. Rajendra Agriculture University through the Dean and Principal, Bihar Veterinary College, Patna.
5. The Principal, Bihar Veterinary College, Patna.
6. The Sub-Divisional Officer, Danapur.
7. District Land Acquisition Officer, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjeet Kumar, Advocate
For the Respondent/s	:	Mr.Ajay Behari Sinha (G A 8)
		Mr. Suryakant Kumar AC to GA-8

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJIV ROY)

Date : 14-12-2023

The present appeal is directed against the judgment and order dated 14.08.2015 passed in CWJC No. 5663 of 2009 by which the learned Single Judge dismissed the writ



petition as being misconceived as also suffering from delay and laches.

2. The brief facts of the case is/are as follows:-

3. The appellant-petitioner no. 1 claims to be holding the power of attorney of the land bearing plot no. 2762 and 2763 appertaining to Khata No. 79 and 80, area 1.39 acres situated at Mauza Dhanut, P.S. Rupaspur, District Patna.

4. As per the further facts, the State Government had earlier issued notification vide no. 22043/85-535 dated 26.04.1986 by the Animal Husbandary and Fisheries Department by which the aforesaid land already stood transferred for 99 years to Rajendra Agricultural University. The power of attorney relied on by the appellants itself are of 2007 & 2008.

5. In 2009, the appellant-petitioner came out of deep slumber vide CWJC No. 5653 of 2009 and wanted quashing of the order dated 08.11.2008 in Miscellaneous Case No. 1(M)/2007-08 passed by the Sub-Divisional Officer, Danapur, Patna by which, taking into account the fact that the lands stand acquired by the State Government and later transferred to the Rajendra Agricultural University in the year 1986 for 99 years rejected the claim of the appellant-petitioner.



6. The writ Court took up the matter and vide an order dated 11.08.2015 dismissed the same after having found the same to be misconceived as also on the ground of delay in approaching the Court. The relevant paragraphs read as follows:-

“ The writ Court suffers from delay and laches on the part of the petitioner in approaching the Court after such an unusually long delay.

The respondent S.D.O., Danapur has rightly rejected the prayer of the petitioner by his order dated 08.11.2008 (Annexure-1) on the ground that the power of cancelling the Jamabandi is not vested in him, as the land in question has already vested in the State of Bihar.

The present writ petition seems to be completely misconceived; and for the reasons recorded above, it is dismissed.”

7. Still aggrieved, the present appeal.

8. Learned Counsel for the appellants tried to impress upon this Court to show that the land belonged to persons from whom appellant no. 1 took power of attorney and the State Government had no right to transfer the same to the Rajendra Agricultural University.

9. As per the record, the land was transferred to



the Rajendra Agricultural University for a period of 99 years in 1986; two decades later on the basis of alleged power of attorney, the appellants tried to revive the issue. The Writ Court in the aforesaid ground was perfectly justified in dismissing the writ petition.

10. The appellants always have the option of moving before the Title Court for the redressal of his grievance, with just exceptions of limitation, *locus standi* and maintainability.

11. Instead, the present appeal.

12. We do not find any reason to interfere with the order of the writ court. There is no merit in the present appeal which is accordingly dismissed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Jagdish/-

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CAV DATE	N/A
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