

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1235 of 2017

In
Civil Writ Jurisdiction Case No.21298 of 2012

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1. Anant Kumar Yadav @ Anant Yadav
 2. Pawan Kumar Yadav @ Pawan Yadav
 3. Suman Kumar Yadav, All S/o Late Kulanand Yadav, resident of Village- Barhara, P.O. Barhara, P.S. Narpatganj, District Araria.

... .. Appellant/s

Versus

1. The State Of Bihar through the District Magistrate, Araria.
2. The District Magistrate, Araria.
3. The Deputy Collector, Land Reforms Forbesganj, District- Araria.
4. Circle Officer, Narpatganj, Araria.
5. Brahmdeo Yadav, S/o Late Amir Yadav, resident of Village- Barhara, P.S. Narpatganj, District- Araria.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kundan Kumar Singh, Advocate Mr. Bishwajeet Singh, Advocate
For the State	:	Mr. Shailendra Kr. Dwivedi, AC to AAG-12
For the Respondent	:	Mr. Kumar Ravish, Advocate Mr. Sanjay Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 27-04-2023

Heard learned counsels for the parties.

2. In the instant Letters Patent Appeal, appellants have assailed the order of the learned Single Judge dated 31.07.2017 passed in C.W.J.C. No. 21298 of 2012.

3. Learned counsel for the appellants submitted that insofar as deciding title of a property, the Deputy Collector has no power. Respondent- Brahmdeo Yadav was required to invoke



appropriate remedy before jurisdictional forum. Therefore, there is no infirmity in the order dated 10.07.2012 passed by the Deputy Collector in execution application.

4. The Respondent -Brahmdeo Yadav is stated to have filed application before the Deputy Collector and an order was passed in his favour on 10.01.2012. The appellant has not assailed the Deputy Collector's order dated 10.01.2012 and slept over the matter.

5. In the light of these facts and circumstances, the Deputy Collector has exceeded his jurisdiction while passing order on 10.07.2012 in an Execution Application. Therefore, there is no infirmity in the order of the learned Single Judge dated 31.07.2017 passed in C.W.J.C. No. 21298 of 2012.

6. Accordingly, the present L.P.A. stands dismissed while affirming the order of the learned Single Judge dated 31.07.2017 passed in C.W.J.C. No. 21298 of 2012.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

rakhi/-

AFR/NAFR	NAFR
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