

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.44 of 2022**

**In**

**Civil Writ Jurisdiction Case No.6222 of 2017**

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1. Balmiki Prasad S/o Late Bhatu Mahto, Resident of Village - Tilaiyan, P.O. - Pathora, P.S. - Chhabilapur, Rajgir, District - Nalanda.
  2. Awadesh Prasad @ Bachchu Prasad, S/o Late Bhatu Mahto, Resident of Village - Tilaiyan, P.O. - Pathora, P.S. - Chhabilapur, Rajgir, District - Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar , Patna.
2. The Principal Secretary, Road Construction Department, Bihar, Patna.
3. The District Magistrate, Nalanda.
4. The District Land Acquisition Officer, Nalanda.
5. The Sub - Divisional Officer, Rajgir, Nalanda.
6. Circle Officer, Rajgir, Nalanda.

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr. D.K. Sinha, Sr. Advocate<br>Mr.Dilip Kumar, Advocate |
| For the Respondent/s | : | Mr.Md. Khurshid Alam (Aag12)                             |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**

**and**

**HONOURABLE MR. JUSTICE S. B. PD. SINGH**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 11-07-2025**

In the instant LPA, appellants have assailed the order of the learned Single Judge dated 27.10.2021 passed in CWJC No. 6222 of 2017.

2. Core issue involved in the present *lis* is dispute relating to subject land, to the extent, is it private land or State Government land.



3. Learned senior counsel for the appellants submitted that according to the revenue records, subject land is of the appellants and others. Despite these facts and circumstances, the State Government proceeded to encroach the land and utilized the land for the purpose of public. In that event, remedy is filing suit for damages. Before that, if there is any modification in the revenue records to the extent of ownership that it is State land, in that event, appellants have a remedy before the Civil Court in seeking declaration that they are the owner of the subject land.

4. Taking notes of these facts and circumstances, the present LPA itself is not maintainable having regard to the disputed issue involved in the present *lis*. Therefore, no interference is called for insofar as order of the learned Single Judge dated 27.10.2021 passed in CWJC No. 6222 of 2017.

5. Accordingly the present LPA stands dismissed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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