

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**SECOND APPEAL No.349 of 2011**

Garjan Singh son of Late Kumar Laxmi Narayan Singh R/o vill. Bhagwanpur PO+ PS Bhagwanpur Dist. Kaimur, Bhabhua.

2. Sanjay Kumar (Minor)

3. Dhananjay Kumar (Minor) Both sons of Garjan Singh through their father and next friend R/o vill. Bhagwanpur PO+ PS Bhagwanpur Dist. Kaimur, Bhabhua.

... .. Plaintiffs- Appellant/s

Versus

1. The State Of Bihar through the Collector Kaimur at Bhabhua

2. Anchal Adhikari Bhagwanpur Mokam Rampur PO Khajura PS Bhagwanpur Dist. Kaimur (Bhabhua)

3. Mukhiya Gram Panchayat Bhagwanpur Mokam, Post Bhagwanpur, Dist. Kiamur (Bhabhua)

... .. Defendants-Respondent/s

**Appearance :**

For the Appellant/s : Mr. Anil Prasad Singh, Adv.

For the Respondent/s : Mr. K.P. Gupta GP-10

Mr. Satya Vrat AC to GP10

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

11    26-06-2025                      Heard Mr. Anil Prasad Singh, learned counsel for the appellants and Mr. K.P. Gupta GP-10, learned counsel for the respondents.

2. This second appeal is filed against the judgment and decree of affirmance dated 24-01-2011 passed by the learned Additional District Sessions Judge Fast Track Court No.1, Kaimur Bhabhua in Title Appeal No. 29/2008/1/2009 whereby judgment and decree dated 29-03-2008 passed by the Munsif, Bhabhua, Kaimur, in Title Suit No.227 of 1994 has been upheld.

3. After hearing the submissions advanced on behalf



of the parties and upon perusal of the materials on record, including the judgment of the learned Trial Court as well as the judgment of the appellate court, which is the final court of facts, it is evident that the plaintiffs have failed to establish their right, title, and interest over the suit land. Both the learned courts below have concurrently held that there is no document to substantiate the plaintiffs' claim of right, title, and interest. The plaintiffs did not file any Zamindari return in favour of Tetri Devi to support their claim of settlement by the ex-landlord in the year 1355 Fasli (i.e., 1947). Further, it has been observed that the suit land vested in the State of Bihar in the year 1955-56. It has also been held that the State of Bihar never recognized Tetri Devi as a raiyat having occupancy rights after the vesting of the Zamindari. Moreover, the plaintiffs have failed to establish that the suit land originally belonged to ex-landlord Laxmi Narayan Singh.

4. In the aforesaid facts and circumstances of the case, I am not inclined to interfere with the concurrent findings of the learned Courts below and there is no question of law, much less substantial question of law involved in this Second Appeal. Accordingly, the instant Second Appeal is dismissed at the stage of Order XLI Rule 11 CPC.



5 Pending interlocutory application(s), if any, shall stand disposed of.

**(Khatim Reza, J)**

shyambihari/-

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