

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.715 of 2024
In
Civil Writ Jurisdiction Case No.487 of 2024

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1. Samarpan Sean Theodore, Son of late Dorothy Latif, S/o P K Latif, E-67, First Floor, BPTP Astaire Gardens, Sector-70A, Palra 164, Gurgoan, Haryana- 122101.
 2. Arpan Ambrose Theodore, Son of late Dorothy Latif, S/o P F Latif, E-67, First Floor, BPTP Astaire Gardens, Sector-70A, Palra 164, Gurgoan, Haryana- 122101.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Department of Land Revenue, Government of Bihar, Patna.
2. The Principal Secretary, Department of Land Revenue, Government of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The Survey Superintendent , Gaya.
5. Baptist Missionary Society Corporation through its Secretary and authorized agent, Laltu John@ Willam A. John, Son of Late A. John, Resident of 133, Housing Board, Janta Flat, Police Station- Rampur, District-Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhananjay Kumar, Advocate
For the Respondent/s : Mr. Addl. Advocate General 12

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 22-01-2025

I.A. No. 1 of 2024

Mr. Dhananjay Kumar, learned Advocate for the appellants presses I.A. No. 1 of 2024 for condoning the delay of 31 days in preferring this appeal.



2. For the reasons stated in the application, the delay of 31 days in preferring this appeal is condoned.

3. I.A. No. 1 of 2024 stands allowed.

L.P.A. No. 715 of 2024

4. The appellants, who are related to one Mrs. Silvia Deuyer, have challenged the order dated 19.04.2024 passed by a learned Single Judge of this Court in C.W.J.C. No. 487 of 2024.

5. The appellants had approached this Court against the order dated 13.11.2010 passed by the Survey Superintendent, Gaya by which the name of the Baptist Missionary Society Corporation was incorporated.

6. It appears from the records that the predecessor- in-interest of the appellants had challenged the same order way back in the year 2011 *vide* C.W.J.C. No. 8693 of 2011, claiming her title over certain lands situated in the town of Gaya by virtue of a sale deed. One of the respondents, therein, *viz.* Baptist Missionary Society



Corporation claimed Title on the basis of the land being settled in favour of the Missionary Society Corporation.

7. The Writ Court *vide* order dated 10.04.2012 found that the order passed by the Survey Superintendent, Gaya dated 23.11.2010 was absolutely perfunctory and was passed without considering the documents of either parties. No attempt was made to assess the value of the documents or to reject them with cogent grounds.

8. The Writ Court, therefore, had remanded the matter to the Survey Superintendent, Gaya to decide the issue within a stipulated period of six months from the date of receipt/production of a copy of that order and the parties were directed to cooperate in the matter.

9. Without ascertaining the development in the aforementioned remand matter, the appellants chose to approach this Court again against the same very order dated 13.11.2010 passed by the Survey Superintendent, Gaya.



10. The learned Single Judge in this instance dismissed the writ petition of the appellants on the ground that now the order dated 23.11.2010 was challenged after so many years without even ascertaining as to what had happened in the case on remand by an earlier order passed in another writ petition in the year 2011.

11. Precisely for this reason, a cost of Rs. 3000/- also was slapped on the appellants which amount had to be deposited with Bihar Legal Services Authority within a period of four weeks.

12. While going through the records of this case, we found that in the counter affidavit filed by the Survey Superintendent, Gaya (Respondent No. 4), it has been revealed that after the remand, nobody appeared before the Survey Superintendent for the matter to be taken any further, notwithstanding the direction to the parties in C.W.J.C. No. 8693 of 2011 to cooperate.



13. In that view of the matter, we do not find fault with the order passed by the learned Single Judge in dismissing the writ petition of the appellants.

14. The appellants have not even complied with the order of depositing the fine of Rs. 3000/- imposed upon them.

15. Let that be deposited within a period of two weeks from today.

16. It would be open for the appellants to approach the Survey Superintendent, Gaya for the needful.

17. The L.P.A. stands disposed of accordingly.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

krishna/sujit

AFR/NAFR	NAFR
CAV DATE	NA
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