

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1089 of 2024

In
Civil Writ Jurisdiction Case No.5793 of 2021

=====

Satyadeo Prasad Son of Late Laloo mahto Resident of mohalla Kajipur (Pipal Tal), P.S. Kadamkuan, P.O. Bankipore, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary, Department of Land Reforms and Revenue, Government of Bihar, Secretariat, Bihar, Patna.
2. The Secretary, Department of Land Reforms and Revenue, Government of Bihar, Secretariat, Bihar, Patna.
3. The Collector, Patna.
4. The Circle Officer, Patna Sadar, Patna.
5. The Executive Engineer, Road Construction Department, Guljarbagh, Patna City, District- Patna.
6. Senior Superintendent of Police, Patna.
7. Station House Officer, Bypass Thana, Patna.
8. Anumandaliya Lok Shikayat Niwaran Padadhihari, Anumandaliya Lok Shikayat Niwaran Karyalaya, Patna City, District- Patna.
9. Surendra Yadav, son of late Mishri Yadav, Near Sentence School, Beside Jaishankar Yadav, Khejakalan, Pani Tanki, P.O. Khajekalan, Patna City, District- Patna.
10. Raju Jaiswal, Kauakhoh, in the lane of Nembu Halwai, Thana- Chowk, Patna City, District- Patna.
11. Anjani Kumar Sinha, son of late Awadh Prasad, Resident of village- Ishapur, P.S. Khusrupur, District- patna, at present residing at Mohalla- Rajenmdra Nagar, Road No.6A, P.S. Kadamkuan, town and District Patna.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Alok Kumar Chaudhary, Sr. Advocate Mr. Ajay Prasad, Advocate Mr. Kulanand Jha, Advocate Mr. Kaushal Kumar, Advocate
For the Respondent No.11	:	Mr. Jitendra Kishore Verma, Advocate Mr. Shreyash Goyal, Advocate Mr. Achyut Kumar, Advocate Mr. Akshat Arghya, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-08-2025

The present Letters Patent Appeal has been filed under provisions of Clause 10 of the Letters Patent of the Patna High Court Rules against the order dated 13.09.2024 passed by the learned Single Judge in C.W.J.C. No. 5793 of 2021.

2. Heard Mr. Alok Kumar Chaudhary, learned Senior Advocate for the appellant and Mr. Jitendra Kishore Verma, learned Advocate for the respondent no. 11.

3. Learned Senior Advocate appearing for the appellant has raised limited grievance before this Court that while dismissing/disposing of the writ petition filed by the present appellant, the learned Single Judge has observed that petitioner has filed the petition with ulterior motive and he was fully aware that the land in question belonged to respondent no. 11 and, therefore, against the aforesaid observation made by the learned Single Judge in paragraph no. 10 of the judgment, the appellant has preferred the present appeal.

4. Learned Senior Advocate appearing for the appellant, at the outset, submitted that he has not filed the present appeal against the dismissal of his writ petition but, as stated hereinabove, with a limited grievance, the appeal has been filed. It is contended by the learned Senior Advocate that



because of the aforesaid observation made by the learned Single Judge, respondent no. 11 is the owner of the land and because of the different proceedings which are pending before the concerned authorities, the present appellant/writ petitioner would suffer prejudice. It has been contended that the government is the owner of the land in dispute, despite which the aforesaid observation has been made by the learned Single Judge. It has been contended that the land in question is *Gair Mazarua Aam* land and, in fact, the respondent no. 11 is not the owner of the said land and, therefore, the aforesaid observation made by the learned Single Judge in paragraph no. 10 be set aside or appropriate observation may be made by this Court.

5. On the other hand, learned Advocate appearing for the respondent no. 11 has mainly contended that, in fact, the learned Single Judge has not given any finding in paragraph no. 10 that the respondent no. 11 is the owner of the land. Learned counsel has referred the observation made by the learned Single Judge in paragraph nos. 4 and 6 of the impugned judgment. It is further submitted that it appears that the learned Single Judge has made that observation in paragraph no. 10 pursuant to the other orders passed by this Court in various writ petitions filed by the respondent no. 11 or by the present appellant/writ



petitioner.

6. We have considered the submissions canvassed by the learned Advocates appearing for the parties, perused the materials on record. We are of the view that learned Single Judge has not recorded any specific finding that the respondent no. 11 is the owner of the land in dispute. Even that was not the question posed before the learned Single Judge for consideration and to decide. The learned Single Judge, after recording the averments made in interlocutory application filed by the respondent no. 11 as intervenor and after recording the submissions canvassed by the learned Advocates appearing for the parties, simply observed that the petitioner was aware that the land in question belonged to respondent no. 11 and in that light made such type of observation. We may clarify that this was not the issue before the learned Single Judge.

7. In view of the aforesaid, we may clarify that the observation made by the learned Single Judge in paragraph no. 10 of the impugned order shall not come in the way of the present appellant/writ petitioner or respondent no. 11 or the respondent-State in any pending proceedings before the concerned authority and/or if the civil proceedings are filed before the competent civil court with regard to the ownership of



the land in dispute.

8. With the aforesaid clarification and observation,
the present appeal stands disposed of.

9. Interlocutory application(s), if any, shall also
stand disposed of.

(Vipul M. Pancholi, CJ)

(Partha Sarthy, J)

aditya/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	13.08.2025.
Transmission Date	N/A

