

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.757 of 2022

In

Civil Writ Jurisdiction Case No.7205 of 2022

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1. Nanhe Pratap Singh Son of Ganesh Singh Resident of village - Kharari Dakshin Baraon, Police Station - Nokha, District - Rohtas.
 2. Bipin Bihari Singh, Son of Ramadhar Singh Resident of village - Kharari Dakshin Baraon, Police Station - Nokha, District - Rohtas.
 3. Sachchida Nand Singh, Son of Nawal Kishore Singh Resident of village - Kharari Dakshin Baraon, Police Station - Nokha, District - Rohtas.
 4. Krishna Kant, Son of Manik Chand Sah Resident of village - Kharari Dakshin Baraon, Police Station - Nokha, District - Rohtas.

... .. Appellant/s

Versus

1. Saroj Ranjan Sinha @ Saroj Ranjan Singh Son of Late Alakh Narayan Singh Resident of Village and P.O.- Kharari, Police Station -Nokha, District- Rohtas, (Bihar).
2. Rohit Pratap Singh, Son of Late Rajiv Ranjan Prasad Singh Resident of Village and P.O.- Kharari, Police Station -Nokha, District- Rohtas, (Bihar).
3. The State of Bihar, through the Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
4. The Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
5. The District Magistrate Cum Collector, Rohtas, Bihar.
6. The Sub- Divisional Officer, Sasaram, Rohtas.
7. The Circle Officer, Block- Nokha, District -Rohtas.
8. The Officer Incharge, Police Station- Nokha, District- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jitendra Prasad Singh, Advocate.
For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER



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

3 24-01-2025

Re:-I.A. No.01 of 2023

Appellants have assailed the order of Learned Single Judge dated 27.09.2022 passed in C.W.J.C. No.7205 of 2022. There is delay of about 51 days in assailing the order of Learned Single Judge dated 27.09.2022 passed in C.W.J.C. No.7205 of 2022 for which appellants have filed I.A. No.01 of 2023 for condonation of delay. For the reasons stated in application read with affidavit, delay of about 51 days in filing L.P.A. No.757 of 2022 stands condoned.

2. Accordingly, the I.A. No.01 of 2023 stands allowed.

Re:-L.P.A. No.757 of 2022

3. Learned counsel for the respective parties on instruction submitted that order of Learned Single Judge has been given effect to, therefore, nothing survives in this matter. However, learned counsel for the appellants submitted that Learned Single Judge has observed that appellants have filed a civil suit which is pending consideration and it is not maintainable. Insofar as observation of the Learned Single Judge that suit is not maintainable would not come in the way of jurisdictional court to decide appellants' suit including whether suit is maintainable or not, to this extent order of the Learned Single Judge stands modified.



4. With the above observation, the present L.P.A.
stands disposed of.

5. Pending I.A.(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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