

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.34 of 2025

In

Civil Writ Jurisdiction Case No.631 of 2024

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1. Nityanand Tiwari son of Late Deo Prasad Tiwari, Resident of village- Jagdishpur, P.O.- Kaituka Lakshi, P.S.- Maker, District- Saran at Chapra
 2. Kameshwar Tiwari son of Late Ram Prasad Tiwari Resident of village- Jagdishpur, P.O.- Kaituka Lakshi, P.S. Maker, District- Saran at Chapra
 3. Dayanand Tiwari son of Late Ram Prasad Tiwari Resident of village. Jagdishpur, P.O.- Kaituka Lakshi, P.S.- Maker, District- saran at Chapra
 4. Birendra Tiwari son of Saligram Tiwari Resident of village- Jagdishpur P.O.- Kaituka Lakshi, P.S.- Maker, District- saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna
2. The Additional Chief Secretary, Department of Revenue and Land Reforms Government of Bihar, Patna
3. The Additional Secretary, Department of Home, Government of Bihar, Patna
4. The Collector-cum-District Magistrate, Saran at Chapra
5. The Sub-Divisional Magistrate, Chapra Sadar, Chapra
6. The Deputy Collector Land Reforms, Chapra Sadar, Chapra
7. The Circle Officer, Maker, Saran
8. The Station House Officer, Maker Saran
9. Shashi Bhushan Tiwary son of Late Shankar Mani Tiwari resident of village Jagdishpur, P.O. Kaituka Lakshi, P.S.- Maker, District- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ratanakar Jha, Advocate
For the Respondent/s : Mr. Additional Advocate General (12)

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

7 15-07-2026

Re: I.A. No. 01 of 2026

Learned counsel for the appellants presses I.A. No. 01
of 2026 for condoning the delay of 224 days in preferring this



appeal.

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

3. I.A. No. 01 of 2026 stands allowed.

Re: I.A. No. 02 of 2026

4. The present Interlocutory Application has been preferred for expunging the name of appellant no. 3 who died on 24.09.2025 during the pendency of the present appeal leaving behind his heirs and legal representatives mentioned in paragraph-2 of the said application.

5. For the reasons stated in the Interlocutory Application, the name of appellant no. 3 is expunged from the array of parties and in his place his heirs and legal representatives mentioned in paragraph-2 of the said application shall be substituted.

6. I.A. No. 02 of 2026 stands allowed.

7. Office is directed to make necessary corrections in the party proforma.

Re.: LPA No. 34 of 2025

8. Learned counsel for the appellants seeks permission to withdraw the present appeal with liberty to appear before the Circle Officer, Maker, Saran.



9. Permission is granted.

10. Accordingly, the present appeal stands disposed of with the aforesaid liberty.

11. However, it is made clear that if the writ petitioner makes any complaint in respect to the encroachment of the land in question, the Circle Officer, Maker, Saran will be under an obligation to issue notice to all the stakeholders including the appellants and after hearing all the parties, decide the matter in accordance with law.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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Sinha/Rajesh-

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