

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.71 of 2024

In

Civil Writ Jurisdiction Case No.9550 of 2023

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Ajit Ram Son of Late Ram Kishun Ram Resident of Village - Pacham Gumti,
P.O. - Pacham, P.S.- Kiul, District Lakhisarai,

... .. Appellant/s

Versus

1. The Union of India Through the General Manager, East Central Railway, Hazipur, Vaishali.
2. The Railway Divisional Manager, East Central Railway, Danapur.
3. The Collector, Lakhisarai.
4. The Sub-Divisional Officer, Lakhisarai.
5. The Circle Officer, Chanan, Lakhisarai.
6. The Senior Section Engineer (Works), East Central Railway Kiul Junction.
7. The Assistant Engineer, East Central Railway, Kiul, Lakhisarai.
8. The I.O., East Central Railway, Kiul.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Mrigendra Kumar, Advocate
Mr. Manoj Kumar, Advocate
For the Respondent/s : Mr. Brajesh Kumar Pandey, CGC

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RANJAN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

7 16-06-2026 Heard learned counsel for the parties.

2. The present *intra-court* appeal has been preferred against the order dated 28.11.2023 passed in C.W.J.C. No. 9550 of 2023, whereby the writ petition preferred by the writ petitioner (appellant herein) came to be dismissed on the ground that the writ petitioner had failed to produce documents in



support of his claim over the land in question.

3. Learned counsel for the appellant submits that although the name of the learned counsel for the writ petitioner, namely, Mr. Arjun Prasad Keshri, finds mention in the impugned order dated 28.11.2023, the fact remains that he had not appeared before the learned Writ Court on the said date, as he had passed away prior thereto. It is further submitted that while dismissing the writ petition, the learned Single Judge primarily relied upon the order dated 12.06.2023 passed by the railway authorities, wherein it was recorded that the writ petitioner had failed to produce any valid document with respect to the land in question.

4. Learned counsel for the appellant submits that the aforesaid finding does not correctly reflect the factual position. It is contended that the appellant is in possession of duly executed and valid sale deed pertaining to the land in question and, therefore, the observation that no valid document was available on record requires consideration.

5. In view of the aforesaid circumstances, learned counsel for the appellant seeks permission to withdraw the present appeal with liberty to avail the remedy of review before the learned Writ Court.



6. Having regard to the submissions advanced and considering the nature of the grievance, the present appeal stands dismissed as withdrawn with liberty to file a review application before the Writ Court in accordance with law.

7. In the event such an application is filed, the same shall be considered and disposed of on its own merit and in accordance with law.

8. It is made clear that this Court has not expressed any opinion on the merit of the rival claims of the parties.

9. Pending Application (s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Ranjan Kumar Jha, J)

Sujit/-

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