IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1278 of 2024
In
Civil Writ Jurisdiction Case No.2614 of 2024

CNR No. BRHC011265892024

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Randheer Singh S/o Late Awadh Bihari Singh, R/o Village- Hansi Kewal, P.O.- Hansi Kewal, P.S.- Bhagwanpur, District- Vaishali.

... ... Appellant/s

Versus

1. The State of Bihar Through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar.
2. The Collector-cum-District Magistrate, Vaishali.
3. The Superintendent of Police, Vaishali.
4. The Sub-Divisional Magistrate, Hajipur, Vaishali.
5. The Anchal Adhikari (Circle Officer), Bhagwanpur, District- Vaishali.
6. The Station House Officer (SHO), Police Station Bhagwanpur, District- Vaishali.
7. The Assistant Sub Inspector, Bhagwanpur, District- Vaishali.
8. Suresh Singh S/o Late Sukhdev Singh @ Sukhdev Prasad Singh, R/o Village- Hansi Kewal, P.O.- Hansi Kewal, P.S.- Bhagwanpur, District- Vaishali.
9. Shambhu Singh S/o Late Indradev Singh, R/o Village- Hansi Kewal, P.O.- Hansi Kewal, P.S.- Bhagwanpur, District- Vaishali.
10. Ranjeet Singh S/o Late Awadh Bihari Singh, R/o Village- Hansi Kewal, P.O.- Hansi Kewal, P.S.- Bhagwanpur, District- Vaishali.

... ... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Madanjeet Kumar, Adv. Mr. Anil Kumar, Adv.
For the Respondent/s	:	Mr. AC to AAG-4
For the Resp. No. 8	:	Mr. Kumar Pankaj, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
and
HONOURABLE MR. JUSTICE RANA VIKRAM SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI)

8 27-10-2026 In the instant appeal the order passed by the learned Single Judge in C.W.J.C. No. 2614 of 2024 is challenged by the

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private respondent on the ground that the writ petition was disposed off without serving notice to the appellant, therefore the order passed by the Writ Court is *per se* illegal.

2. The learned Advocate on behalf of the respondent/appellant on the other hand submits that the order passed by the Writ Court was complied with by the State respondent and upon such compliance the contempt application being M.J.C. No. 322 of 2026 arising out of the above mentioned writ petition was disposed off with full satisfaction. In view of execution of order of the Writ Court, on full satisfaction, nothing remains to be agitated at this stage by the present appellant. In other words the appellant is not a position to infuse life to the dead wound.

3. At the same time, we are concerned about the fact that the impugned order was passed without serving notice to the private respondent. Now the issue that falls for adjudication is as to whether the respondent/appellant herein is remediless or not. The appellant has filed a revision before the learned Additional Sessions Judge against the order dated 27.04.2022 passed by the learned Executive Magistrate, Hajipur in Case No. M1/951/18 being a proceeding under Section 147 of the Code of Criminal Procedure, the said Revision Case No. 158 of 2022 is

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still pending before the learned Additional District Judge-II, Vaishali at Hajipur.

4. Secondly the respondent has filed the Title Suit bearing Title Suit No. 786 of 2025 before the learned Civil Judge, Sr. Division, 1st Court, Vaishali at Hajipur. In both the proceedings title of the respondent/appellant herein has been sought for over the land in question. The respondent can agitate his title in the said proceeding. The Writ Court cannot determine the title.

5. For the reasons stated above, though we have observed that the writ petition was disposed off without serving notice to the private respondent, we are not in a position to consider the appeal on merit.

6. The appeal is therefore dismissed.

7. The appellant is at liberty to take appropriate action in accordance with law to establish his title.

(Bibek Chaudhuri, J)

(Rana Vikram Singh, J)

Supratim/-

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