

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1096 of 2019

In
Civil Writ Jurisdiction Case No.8225 of 2019

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1. Pushpa Devi W/o Nagendra Prasad, Resident of Village- Bareela, P.S.- Shivsagar, District- Rohtas.
 2. Sunita Devi, W/o Sanjay Singh, Resident of Village-Manpur, P.O. and P.S.- Ranka, District- Rohtas.
 3. Vijapatti Devi, W/o Lallan Singh, Resident of Village and P.O.-Paiya, P.S.- Sonhan, District-Kaimur.
 4. Bali Ram Singh, S/o Lakshmi Singh, Resident of Village-Admapur Torni, P.S.-Rohtas, District- Rohtas.
 5. Sarita Devi, W/o Radheshyam Singh, Resident of Village-Balthua, P.S.- Morsarai, District- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Senior Superintendent of Police, Rohtas at Sasaram.
4. The Circle Officer, Rohtas at Sasaram.
5. Smt. Shanti Devi, W/o Sri Ramta Singh, Resident of Village-Sikariya, P.S.- Shivsagar, District-Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s :

For the Respondent/s : Md. Khurshid Alam, AAG 12

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

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

9 27-08-2025

None appears for the appellants.

2. Appellants have assailed the order of the learned Single Judge dated 17.04.2019 passed in CWJC No. 8225 of 2019. It is a short order and it reads as under :

“Heard learned Counsel for the parties



concerned.

In this 9-paragraph writ application, other than formal statements made in paragraphs 1, 2, 3, 5, 6, 7, 8 and 9, there is only averment in paragraph 5 that they have purchased certain property from Respondent No. 5 and Respondent No. 5, after having sold the property, is not handing over the possession. Such grievance of the petitioners, in a proceeding under Article 226 of the Constitution of India, cannot be entertained.

This application is dismissed.

The petitioners may approach appropriate forum for redressal of their grievance.”

3. Perusal of the same, it is evident that there was certain disputed issues among the appellants and contesting respondents, insofar as transaction of property.

4. Disputed issues cannot be adjudicated under Article 226 of the Constitution as held by the Hon'ble Supreme Court in the case of ***Shubhas Jain vs. Rajeshwari Shivam and Others*** reported in **(2021) 20 SCC 454**. In the light of these facts and circumstances no interference is warranted in respect of order of the learned Single Judge dated 17.04.2019 passed in CWJC No. 8225 of 2019.

5. Accordingly, present LPA No. 1096 of 2019 stands disposed of reserving liberty to the appellants to invoke appropriate remedy before appropriate forum. In the event of



filing of appropriate litigation before the concerned jurisdictional forum, jurisdictional forum is requested to peruse Section 14 of the Limitation Act, 1963 and proceed to condone the delay in respect of time spent before this Court.

(P. B. Bajanthri, J)

(Shailendra Singh, J)

GAURAV S./-

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