

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11003 of 1995

In the matter of an application under Articles 226 and 227 of the Constitution of India

1. Sushil Prasad Mehta
2. Ashok Kumar Mehta
3. Pappu Kumar Mehta

All sons of Late Debendra Prasad Mehta, residents of village Pupauli, P.S. Rupauli, District Purnea

.... Petitioners

Versus

1. The State of Bihar
2. The Sub-Divisional Officer, Dhamdaha (Purnea)
3. The Anchal Adhikari, Rupauli Anchal, Rupauli, District Purnea
4. Keshav Prasad Singh
5. Arjun Prasad Singh
6. Vivekanand Singh
7. Maheshwari Prasad Singh
8. Manoj Kumar Singh
9. Randhir Kumar Singh

All sons of Late Baldev Prasad Singh, residents of village Rupauli, P.S. Rupauli District Purnea

10. Laxmi Prasad Gupta, son of Late Shanti Gupta, resident of village Rupauli, P.S. Rupauli, District Purnea (The case stood rejected against him on 16.7.1998 by virtue of the order dated 9.7.1998)

.... Respondents

Appearance :

For the Petitioners : Mr. A.K.Mallick with Mr. Kaushal Kumar, Advocates

For the Respondent No.6: Mr. Kameshwar Singh & Mr. Durga Nand Jha, Advocates

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

ORAL JUDGMENT

Date: 30-04-2015

Mr. A.K.Mallick, learned counsel for the petitioners, submits that a Title Suit No. 643 of 1994 was filed in the court of Sub-Judge-I, Purnea for permanent injunction against private respondent Nos. 4 to 9 with regard to the peaceful possession of the



petitioners over the disputed land in the present matter when the respondents had tried to create trouble and grab the land forcibly and threatened to dispossess the petitioners at the time when the original order of the Circle Officer in proceeding under Section 48D had been passed in favour of the petitioners but subsequently the order of the Circle Officer has been reversed and set aside in appeal by the impugned order dated 24.11.1995 passed by the Sub-Divisional Officer on appeal by the respondents.

2. It is submitted that the parties have appeared in the said title suit and are contesting the same and in the said circumstances he may be permitted to withdraw the writ application with liberty to take all the grounds in the title suit itself.

3. The writ application is, accordingly, disposed of as withdrawn with the aforesaid liberty.

(Ramesh Kumar Datta, J)

spal/-

U			
---	--	--	--