

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1241 of 2012

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1. Sita Ram Mehta S/O Late Bhattu Mahto, resident of Mohalla-Lakhisarai English, P.O., P.S. and District-Lakhisarai
 2. Arun Kumar Nirala S/O Late Brahmdeo Mahto, resident of Mohalla-Lakhisarai English, P.O., P.S. and District-Lakhisarai
 3. Om Prakash Mahto S/O Late Brahmdeo Mahto, resident of Mohalla-Lakhisarai English, P.O., P.S. And District-Lakhisarai

.... Petitioner/s

Versus

1. The Collector, Lakhisarai P.O., P.S. and District-Lakhisarai
2. The Deputy Collector, Incharge District Legal Section, Collectorate, Lakhisarai P.O., P.S. and District-Lakhisarai
3. Vijay Kumar Sinha S/O Jagdish Mahto, resident of Village-Sultanpur, P.S. Mokamah, District-Patna
4. Geeta Prasad Singh S/O Late Vishundeo Singh, resident of Village Khutha, P.O., P.S. and District Lakhisarai
5. Sanjai Kumar S/O Karu Singh, resident of Village Hirden Bigha, P.S. Barahaiya, District Lakhisarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad Singh, Advocate

For the Respondent Nos. 1 & 2 : Mr. Uday Shankar Singh, AC to GA 2

For the Respondent Nos. 3 to 5 : Mr. Manish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 17-09-2015

Heard the parties.

By the impugned order dated 21.07.2011 (Annexure-6), the respondent District Collector, Lakhisarai has admitted Jamabandi Correction Appeal No. 02 of 2010-11 filed on behalf of the respondent no.3 and notices were issued to the opposite parties including the petitioners.

Admittedly, aforesaid Jamabandi Correction Appeal is still pending for final disposal. Therefore, all the issues raised in the present writ petition can be and ought to have been raised on behalf of the petitioners before the respondent District Collector and only after passing the final order by the respondent District Collector, if the petitioners were/are at all aggrieved, they could

have approached or can approach the higher authority/Forum or this Court in a proceeding under Article 226 of the Constitution of India for redressal of their valid grievances. The present writ petition, at this stage, seems to be completely misconceived and untenable.

Learned AC to learned GA 2, appearing on behalf of the respondent nos. 1 and 2, by referring to the averments made in paragraph 25 of the counter affidavit filed on their behalf, has pointed out that Title Suit no. 62 of 2011 is pending between the parties with respect to the lands under dispute.

At this stage, learned counsel appearing on behalf of the petitioners seeks permission to withdraw the present writ petition with a liberty to raise all the issues of facts and law, which are available to them, before the respondent District Collector, Lakhisarai.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

It goes without saying that if any valid issue is raised by the petitioners, the same shall be gone into and the respondent District Collector shall decide the matter on merits strictly in accordance with law.

(Birendra Prasad Verma, J)

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