

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18694 of 2011

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Amarjeet Choudhary son of Late Ram Bachan Choudhary, resident of
Village Kapanhar, P.S. Uchkagoan, District Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Gopalganj
2. The Sub-Divisional Officer, Hathua, District Gopalganj
3. The D.C.L.R., Hathua, District Gopalganj
4. The Chairman, Bhudan Yagya Samiti, Patna
5. The Circle Officer, Uchkagoan, District Gopalganj
6. The Zila Mantri, Bhudan Yagya Samiti, Gopalganj
7. The Deputy Development Commissioner, Gopalganj
8. Dharmnath Singh son of Bagwan Singh, resident of Kapanhar, P.S. Uchkagoan, District Gopalganj
9. Dwarika Singh son of Sitaram Singh, resident of Kapanhar, P.S. Uchkagoan, District Gopalganj
10. Mohan Lal Singh son of Ramjeet Singh, resident of Kapanhar, P.S. Uchkagoan, District Gopalganj
11. Vijay Mal Singh son of Ramjeet Singh, resident of Village Luhasi, P.S. Uchkagoan, District Gopalganj
12. Jodha Sah son of Panchheet Sah, resident of Village Luhasi, P.S. Uchkagoan, District Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate
For the Respondent Nos. 1 to 7 : Mr. Prabhat Ranjan, AC to GP 12
For the Respondent No. 4 : Mrs. Alaka Verma, Advocate
For the Respondent Nos. 8 : Mr. Vijay Shankar Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 07-09-2015

Heard the parties.

The grievance of the petitioner is that during pendency of Title Suit No. 423 of 2010 brought by the petitioner before the learned Subordinate Judge 1st, Gopalganj for declaration of his right and title as also for confirmation of possession over the suit land, a proceeding for cancellation of jamabandi was started by the Circle Officer, Hathua in the district of Gopalganj, which is now pending before the Sub Divisional Officer, Hathua, District Gopalganj for his approval.

In the considered opinion of this Court, at the first instance, the petitioner should raise all the objections which have been raised in the present writ petition before the competent authority by bringing to his/her notice about the pendency of the aforesaid title suit, or alternatively he may apply for an order of injunction with respect to the lands under dispute, but all these issues of fact raised on behalf of the petitioner cannot be gone into at this stage in the present proceeding filed under Article 226 of the Constitution of India.

In above view of the matter, learned counsel appearing on behalf of the petitioner, in presence of learned counsel appearing on behalf of the respondents, seeks permission to withdraw the present writ petition with a liberty to approach either the Civil Court concerned or the competent authority for redressal of his valid grievances.

Permission is accorded.

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

(Birendra Prasad Verma, J)

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