

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17801 of 2012

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1. Abdul Wahab,
2. Mustafizur Rahman
3. Naifaur Rahman

All sons Of Md. Imran Ali, Resident Of Village- Betauna, P.S.- Kasba,
District- Purnia

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Purnia
3. The D.C.L.R., Sadar, Purnia
4. The C.O., Kasba, District Purnia
5. Tarni Prasad Sah, S/O Late Thakur Prasad Sah, Resident Of Madarghat,
P.S. & P.O. Kasba, District Purnia

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jagdish Prasad Bhagat

For the Respondent no.5 : Mr. Dilip Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 06-10-2015 Heard the parties.

The petitioners have filed the present writ petition assailing the validity and correctness of the order dated 30.11.2011 passed in Mutation Revision No.114 of 2006 by the respondent District Collector, Purnia, as contained in Annexure-10 to the writ petition, whereby the aforesaid mutation revision application filed on behalf of the petitioners has been dismissed and the orders passed by the original authority as also the appellate authority have been affirmed.

At the very threshold, learned counsel appearing on behalf of the respondent no.5 submits that with respect to the lands in question, the petitioners, besides others, have already filed Title Suit No.137 of 2007 in which the petitioners, besides others, are the plaintiff and the respondent no.5, besides others, is the

defendant.

Learned counsel appearing on behalf of the petitioners does not dispute the factum of pendency of the aforesaid Title Suit.

In view of the aforesaid undisputed facts, 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 with respect to the lands in question, which may be available to them, in the aforesaid pending Title Suit.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

It is clarified that the petitioners, the respondent no.5 and all other concerned persons, who are parties in the aforesaid suit, shall be at liberty to raise all the issues of facts and law, which may be available to them with respect to the lands in question, before the Civil Court in the aforesaid pending Title Suit and the learned Civil Court shall decide the aforesaid Title Suit on the basis of materials/evidence produced by the parties strictly in accordance with law, without being prejudiced/influenced by withdrawal of the present writ petition.

(Birendra Prasad Verma, J)

Arvind/-

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