

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2798 of 2015

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Saroj Kumar S/o Late Navin Thakur, resident of village and P.O. Baisa,
P.S.Parbatta, Dist. Khagaria.

.... Petitioner

Versus

1. The State of Bihar through D.M. Khagaria.
2. The D.C.L.R. Gogri in the District of Khagaria.
3. The Sub-Divisional Officer, Gogri, Khagaria
4. The Kalari Devi W/o late Kamleshwari Mandal
5. Hare Ram Mandal S/o late Kamleshwari Mandal
6. Ambika Mandal S/o Late Bishundeo Mandal

Respondent No. 4 to 6 all resident of vill. Navtolia, P.S. Pasraha in the
Dist of Khagaria.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav

For the Respondent/s : Mr. Ashok Kumar Chaudhary, AAG-13

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 16-02-2015

Heard the parties.

There are at least two reasons for rejecting the writ application which has been filed questioning the legality of the order dated 04.10.2008 passed by the Sub Divisional Officer in Bataidari case no. 68 of 1990-91. Firstly, the order has been passed in 2008 where as the challenge thereto has been made in 2015. Inordinate and unexplained delay itself is a ground for declining invocation of the writ jurisdiction. Secondly, the order was passed in the light of the order passed by this Court in C.W.J.C. No. 11732 of 1998. The parties have not disputed before this Court that the same would be appealable before the

Collector. The statutory remedy is, therefore, available to the petitioner.

Appreciating the aforesaid position in law, counsel for the petitioner sought permission of this Court to withdraw this writ application to seek remedy as is/are available to him in law.

The application is dismissed as withdrawn with the said liberty.

(Kishore Kumar Mandal, J)

Shyam/-

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