

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3120 of 2013

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Amarjeet Choudhary S/O Late Rambachhan Choudhary R/O Village-
Kapadhar, P.S.- Uchkagaon, P.O.- Sakhe Khas, District- Gopalganj

.... Petitioner.

Versus

1. The State Of Bihar Through Collector, Gopalganj
2. The S.D.O., Hathua, District- Gopalganj
3. The D.C.L.R., Hathua, Gopalganj
4. The President Bhudan Yagna Committee, Patna
5. The Circle Officer, Uchkagaon, Gopalganj
6. District Minister, Bhudan Yagna Committee, Gopalganj
7. Dharamnath Singh S/O Bagrasan Singh R/O Kaparhar, P.S.- Uchkagaon,
District- Gopalganj
8. Dwarika Singh S/O Sitaram Singh R/O Kaparhar, P.S.- Uchkagaon,
District- Gopalganj
9. Mohanlal Singh S/O Ramjeet Singh R/O Kaparhar, P.S.- Uchkagaon,
District- Gopalganj
10. Vijaymal Singh S/O Ramjeet Singh R/O Village- Luhsi, P.S.-
Uchkagaon, District- Gopalganj
11. Jodha Sah S/O Pnghit Sah R/O Village- Luhsi, P.S.- Uchkagaon,
District- Gopalganj

.... Respondents.

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Appearance :

For the Petitioner/s : Mr.S.S.Dwivedi, Sr.Adv.
Mr. Ranjan Kumar Dubey, Adv.
Mr.Rakesh Chandra, Adv.
Mrs. Sangeeta Sharma, Adv.
Mr.Parth Gaurav, Adv.
Mr.Satyendra Shukla, Adv.

For the Respondent Nos. 7 to 11:Mr. Sanjay Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

5 14-12-2015 Heard Mr.S.S.Dwivedi, the learned senior counsel
appearing on behalf of the petitioner.

Mr.S.S.Dwivedi, the learned senior counsel
appearing on behalf of the petitioner, has, at the outset, submitted
that this application has been filed against the orders of the courts



below refusing the prayer for injunction of the plaintiff-petitioner in the suit. It has been pointed out that the prayer for injunction was for restraining the defendant-respondents 1st set from making construction of school building in the suit property. It has, however, been further submitted by the learned senior counsel that the school building has been constructed now and the respondents are going to construct the further floors over the building and it has been therefore now prayed that this application may be disposed of with direction to the court below to dispose of the suit on merits within a time frame and till then no further construction shall be made by the State-respondents in the school building. It has been further pointed out by the learned senior counsel that the relief for injunction in the suit was confined only against the State-respondents as the construction was being made by them.

The learned counsel appearing for the State-respondent has submitted that he has no objection to the prayer made on behalf of the petitioner for disposal of the suit within a fixed time and has also submitted that the State-respondent would not make construction of further floors in the school building till the disposal of the suit. The learned counsel for the State-respondent has, however, submitted that the period of six months from the date of receipt/production of a copy of this order may be

fixed for disposal of the suit.

After considering the submissions and the facts of the case, this writ application is disposed of in view of the stand taken by the learned counsel for the petitioner as well as the learned counsel for the State-respondent with direction to the court below to dispose of the suit preferably within a period of six months from the date of receipt/production of a copy of this order and till then the State-respondents would not make further floors in the school building as stated by the learned counsel for the State-respondent. It is also made clear that the learned court below shall not grant unnecessary adjournments to the parties and shall make all endeavours to dispose of the suit within the aforesaid time frame. The learned counsel for the parties appearing before this Court have jointly submitted that they would fully cooperate in the hearing and disposal of the suit within the aforesaid time frame.

The writ application is, accordingly, disposed of with aforesaid directions.

(V. Nath, J)

Nitesh/-

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