

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6746 of 2011

=====

Mamta Devi, wife of Govind Prasad Roy, r/o- village Bithouli, tola-
Nawatoliya, ward No. 7, P.S.- Baheri, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. C.D.P.O, Baheri, Darbhanga.
3. Mukhiya, Gram Panchayat Rajya Bithouli, Bahari Anchal, District-
Darbhanga.
4. Secretary-cum- Panchayat Sewak to the Mukhiya, Gram Panchayat
Rajya Bithouli, Bahari Anchal, District-Darbhangha.
5. Sugandh Kumari, wife of Sri Arbind Kumar Ray, r/o- village Bithouli
(Sarpancha Tola) Anchal- Block-Baheri, District- Darbhanga.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ratan Kumar Kumar

For the Respondent/s : Mr. A.N.Deo (Sc26)

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 31-08-2015 Heard Mr. Ratan Kumar Kumar, Counsel for the petitioner,
who has vehemently argued in support of the writ application.

The defendant of the Title Suit No. 30 of 2007 has filed the writ application aggrieved by the order dated 16.03.2011 whereby the application of the petitioner to consider the maintainability of the suit (Annexure-1) as the preliminary issue has been considered and disposed of recording that the defendant-petitioner conceded to the adjudication of the matter at the time of judgment.

From the impugned order, it appears that an issue was framed with regard to maintainability of the case and at a very belated stage when the case was fixed for argument, such application was filed which was not allowed. The order further

records that the defendant no. 5 conceded before the Court that the issue with regard to maintainability of the suit shall be considered at the time of judgment. If that be the order, there was no occasion for the petitioner to file the writ petition. It is completely misconceived.

The writ application is dismissed.

(Kishore Kumar Mandal, J)

Pankaj/-

U			
---	--	--	--