

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17669 of 2014

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1. Maheshwar Duwedi @ Baban Dubey Son of Late Ram Pravesh Duwedy
Resident of Village - Mohan Chak, P.O. Akhtiarpur, P.S. Bikram, Distt. - Patna (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue Department, Bihar, Patna
2. District Collector, Patna
3. Additional Collector, Patna
4. Land Reforms Deputy Collector, Paliganj, Patna
5. Circle officer, Bikram, Patna
6. Meena Devi W/o Suresh Kumar R/o vill. - Mangalichak, P.O. + P.S. Dhanarua, Distt. - Patna (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Respondent/s : Mr. Arvind Kumar, A.C. to S.C. 28

For the Respondent no. 6: Mr. Ram Sandesh Roy

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 03-02-2015

Heard the parties.

A counter affidavit has been filed on behalf of the respondent no. 6.

The petitioner has filed the present writ application for setting aside the order dated 16.11.2011 passed by the respondent Deputy Collector, Land Reforms in Miscellaneous Case No. 25 of 2011-12 as also the order passed in Mutation Revision Case No. 59 of 2011 by the Additional Collector. The order dated 10.08.2013 passed by the respondent Deputy Collector, Land Reforms in Miscellaneous

Case No. 192 of 2012-13 deciding the issue raised therein in favour of the opposite party has also been sought to be quashed.

Counsel for the private respondent has produced a copy of the order-sheet of B.L.T. Case No. 565 of 2014 filed by the petitioner wherein the orders impugned in the present writ petition were impugned. The petitioner sought permission of the Tribunal to withdraw the application to approach the appropriate forum for redressal of their grievance. On such prayer made by the petitioner, the appeal filed by the petitioner was permitted to be withdrawn vide order dated 26.9.2014.

It has been fairly contended by the Counsel for the petitioner that the private respondent herein has already filed a title suit in the meanwhile respecting the subject land which is pending consideration.

Taking into account the aforesaid fact, this Court is not inclined to invoke the writ jurisdiction of this Court.

The application is dismissed. However, it will be open to the petitioner either to file a separate substantive suit and/or contest the suit which has been filed by the private respondent herein.

(Kishore Kumar Mandal, J)

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