

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18510 of 2011

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1. Md. Jokhu Son Of Jalil Mohammad Residence Of Village Dhobahan Purabpatti, P.S.-Chand, District-Kaimur (Bhabhua).
 2. Ram Nagina Singh Son Of Shiv Shankar Singh Resident Of Village Chand, P.S. Chand, District-Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. The State Of Bihar.
2. The District Collector, Kaimur, Bhabhua.
3. The Deputy Collector (Land And Reforms) Kaimur, Bhabhua.
4. Sub-Divisional Officer, Kaimur, Bhabhua.
5. Circle Officer, Chand, Kaimur.
6. The Officer Incharge, P.S. Chand, Kaimur.
7. Shekh Murad Hussain Son Of Late Sheikh Hamid Residence Of Village Dhobaha, P.S. Chand, District-Kaimur, Bhabhua.
8. Shekh Magbul Alam Son Of Sheikh Murad Residence Of Village Dhobaha, P.S. Chand, District-Kaimur, Bhabhua.
9. Thakur Tarkeshwar Nath Ji (Sewayat Mahanth Dandi Swami) Rishikesh Ashram, Village-Tarkeshwar, P.S. Tarkeshwar, District-Hoogly (West Bangal).

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 21-09-2015

No one appears on behalf of the petitioners.

Counsel for the State is present.

Heard.

On own showing by the petitioners the dispute between the parties is pending in the civil court. The trial court dismissed the suit vide T.S. No. 98 of 2002/158/2009 filed by the respondents(s) against which an appeal was filed vide T.A. No. 42/2009/89/2009 which was allowed by judgment dated 20.05.2009 against which the petitioners have filed S.A. No. 390

of 2010 which is pending consideration. In the meanwhile, an application was filed before the Circle Officer for measurement of the subject land. The fee was also deposited therefor. Vide order dated 24.03.2011 the Sub-Divisional Officer directed the Circle Officer to get the land measured and submit the measurement report. Since the same was not carried out, a representation was filed before the Collector who, vide endorsement made thereon, directed the Circle Officer to comply with the order passed by the Sub-Divisional Officer. Against these orders/endorsements of the Collector the writ petition has been filed.

In my view, the writ application is fit to be dismissed as by these orders only measurement of the subject land has been directed to be carried out. The same would not cause any prejudice to the petitioner. The matter relating to title over the land is already pending in the court.

The application is dismissed.

(Kishore Kumar Mandal, J)

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