

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17589 of 2012

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Allauddin, S/O Late Jullur Rahman, Resident Of Village- Kajra Betauna,
P.S- Kasba, District- Purnia.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Purnia.
3. The D.C.L.R. Sadar, Purnia
4. The C.O. Kasba, District- Purnia.
5. Tarni Prasad Sah, S/O Late Thakur Prasad Sah, Resident Of Madarghat,
P.S. & P.O- Kasba, District- Purnia.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jagdish Prasad Bhagat
For the Respondent nos.1to4 : Mr.Kumar Kamal Nayan, AC to SC-33
For the Respondent no.5 : Mr. Dilip Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 06-10-2015 Heard the parties.

The petitioner has filed the present writ petition assailing the validity and correctness of the order dated 30.11.2011 passed in Mutation Revision No.115 of 2006 by the respondent District Collector, Purnia, as contained in Annexure-8 to the writ petition, whereby the aforesaid mutation revision application filed on behalf of the petitioner has been dismissed and the orders passed by the original authority as also the appellate authority have been affirmed.

At the very threshold, learned counsel appearing on behalf of the respondent no.5 submits that with respect to the lands in question, the petitioner, besides others, has already filed Title Suit No.137 of 2007 in which the petitioner, besides others, is the plaintiff and the respondent no.5, besides others, is the defendant.

Learned counsel appearing on behalf of the petitioner

does not dispute the factum of pendency of the aforesaid Title Suit.

In view of the aforesaid undisputed facts, learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present writ petition with a liberty to raise all the issues of facts and law with respect to the lands in question, which may be available to him, in the aforesaid pending Title Suit.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

It is clarified that the petitioner, the respondent no.5 and all other concerned persons, who are parties in the aforesaid suit, shall be at liberty to raise all the issues of facts and law, which may be available to them with respect to the lands in question, before the Civil Court in the aforesaid pending Title Suit and the learned Civil Court shall decide the aforesaid Title Suit on the basis of materials/evidence produced by the parties strictly in accordance with law, without being prejudiced/influenced by withdrawal of the present writ petition.

(Birendra Prasad Verma, J)

Arvind/-

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