

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19151 of 2012

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Baikunth Prasad S/O Late Ganesh Sao R/O Mohalla- Nai Godam, Maharani
Road, P.S.- Kotwali And District- Gaya

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Magadh Division at Gaya
3. The Deputy Collector of Land Reform, Sherghanti, Gaya
4. Sharda Devi W/O Sri Janardhan Prasad Gupta R/O Mohalla- Nai Bazar
At And P.S.- Sherghanti, District- Gaya
5. Janardhan Prasad Gupta S/O Late Ganesh Sao R/O Mohalla- Nai Bazar
At And P.S.- Sherghanti, District- Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha- I, Sr. Adv.
Mr. Bhola Kumar
Mr. Ashish Sinha

For the Respondent No.1 to 3: Mr. Manoj Kumar Jha, AC to G.P.-26

For the respondent No. 4 & 5 : Mr. Ramesh Kumar Chaudhary

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

9 08-10-2015

Heard the parties.

The petitioner is aggrieved by the order dated 19.07.2012 passed in Land Dispute Resolution Appeal No. 133 of 2012 by the respondent Commissioner, Magadh Division, Gaya, as contained in Annexure-4, whereby the aforesaid appeal preferred on behalf of the petitioner under the provisions of the Bihar Land Disputes Resolution Act, 2009 (in short 'Act, 2009') has been dismissed on the ground of limitation. The petitioner is also aggrieved by the order dated 17.04.2012 passed in Bihar Land Disputes Resolution Case No. 24 of 2011-12 by the respondent D.C.L.R., Sherghati, Gaya, as contained in Annexure-2, whereby petition filed on behalf of the respondent no. 4 under the provisions of the Act, 2009 was allowed.

Indisputably, the petitioner as also the respondent no. 5



are descendants of their common ancestor. The respondent no. 4 is the wife of the respondent no.5. It is not in dispute that before filing the petition by the respondent no. 4 under the provisions of the Act, 2009, Title Suit No. 200 of 2004/369 of 2004 was filed on behalf of the petitioner in the court of learned Sub-Judge, IInd, Gaya with respect to the lands in question in which respondent no. 4 herein was the defendant. Though the aforesaid title suit was still pending, yet respondent no.4 approached the respondent D.C.L.R. under the provisions of the Act, 2009 for grant of appropriate reliefs with respect to the lands in question.

Learned Senior counsel appearing on behalf of the petitioner has submitted that the aforesaid title suit filed on behalf of the petitioner has finally been decreed by the civil court by judgment and decree dated 27.06.2014. A photocopy of the aforesaid judgment and decree has been produced by the learned senior counsel before the Court. He further submitted that in view of the aforesaid judgment and decree passed by the civil court, the present matter has become infructuous, as claim of title of the parties over the lands in question has been determined by the aforesaid judgment and decree of the civil court. Therefore, he seeks permission to withdraw the present writ petition.

Learned counsel appearing on behalf of the respondent no. 4 and 5 does not dispute the assertions made by the learned senior counsel appearing on behalf of the petitioner with respect to the aforesaid judgment and decree passed by the civil court.

In above view of the matter, the present writ petition stands disposed of as withdrawn with an observation that the claim of the parties with regard to the lands in question shall be strictly in accordance with the aforesaid judgment and decree of the civil

court.

A photocopy of the aforesaid judgment and decree passed in the aforesaid title suit produced by the learned Senior counsel appearing on behalf of the petitioner shall be kept on record.

(Birendra Prasad Verma, J)

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