

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11490 of 2016

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1. Rajiv Kumar S/o Shri Krishna Prasad resident of village- Satauli Bujurg,
P.O.-Masarhi,P.S.- Gaurichak, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Planning & Development Department, Old Secretariate, Patna
3. District Magistrate, Patna
4. The Deputy Development Commissioner, Patna
5. The Sub-Divisional Officer, Patna City, Patna
6. The Block Development Officer, Fatuha, Patna
7. The Circle Officer, Fatuha, Patna
8. The Chief Engineer, Planning & Development Department Vishwaraiya Bhawan, Patna
9. The Executive Engineer, Sthaniya, Kshetra Abhiyatan, Sangathan, Vikash Bhawan Collecteriate, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh, Advocate

For the Respondent State: Mr. Anil Kumar Sinha, G.A.1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 21-09-2016 Heard Mr. N.K.Singh, learned Counsel for the petitioner and Mr. Anil Kumar Sinha, learned G.A.1, appearing State respondents.

Considering the fact that with regard to the land, which forms subject matter of the writ petition, filed in the form of Public Interest Litigation, Title Suit No. 49 of 2015, is pending in the Court of Sub-Judge-I, Patna City, Patna, a Public Interest Litigation cannot be maintained inasmuch as the relief, which the

petitioner is seeking with the help of this writ petition, is ineffective for passing an order of injunction restraining the persons concerned continuing with the work of construction of the building of Panchayat Sarkar Bhawan, we are clearly of the view that the writ petition needs to be dismissed.

Confronted with the situation, as indicated above, learned Counsel for the petitioner seeks permission to withdraw this application with liberty to approach this Court with appropriate application, in future, if so advised, and/or take recourse to such provision of law as may be permissible, including institution of appropriate suit in a civil Court of competent jurisdiction and/or to make appropriate application for injunction in the suit aforementioned.

In view of the above and in the interest of justice, this writ petition is hereby disposed of as withdrawn with liberty aforementioned.

(I.A. Ansari,CJ)

(Anjana Mishra, J)

A.I./-

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