

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8259 of 2009

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Anil Kumar son of Sri Dayachand Prasad, resident of Mohalla- Mustafabad,
P.S. Rampur, P.O. Rampur, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
 2. The Collector, Gaya.
 3. The Survey Superintendent, Gaya, Department of Survey, Government of Bihar.
 4. The Assistant Survey Superintendent, Gaya.
 5. Dayachand Prasad son of late Mukh lal Dusadh
 6. Vijay Dusadh son of late Basudev Dusadh
 7. Kailash Dusadh son of late Inder Dusadh
 8. Sita Ram Dusadh son of Budhan Dusadh
- Respondent No. 5 to 8 resident of Mohalla Mustafabad, P.S. Rampur,
P.O. Rampur, District Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Narayan
Mr. Sudhir Kumar Raj

For the Respondent No.1 to 4:Mr. Balram Kapri, AC to G.P. 14

For the Respondent No. 5 to 8: Mr. Shailesh Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 16-05-2016

Heard.

The petitioner, who is the son of the respondent no.5 and a family member of the respondent no. 6 to 8, is aggrieved by the order dated 24.11.2005 passed in Appeal Case No. 2081 of 2004 by the respondent Survey Superintendent, Gaya, as contained in Annexure-4, whereby in exercise of his appellate powers under Rule 15(1) of Bihar and Orissa Municipal Survey Rules, the lands in question have been directed to be recorded in the name of the respondent no.5 as also his other co-sharers/ family members.

The learned counsel appearing on behalf of the petitioner, in presence of the learned counsel appearing on behalf of the respondents including the respondent no. 5 to 8, submits that essentially the petitioner is raising the claim of right and title

over the lands in question.

In that view of the matter, he seeks leave of this Court to withdraw the present writ petition with a liberty to approach the civil court of competent jurisdiction for getting his right, title and possession declared over the lands in question, after impleading all the necessary parties including the private respondent no. 5 to 8, besides others, if any.

Permission is accorded.

Accordingly, the writ petition stands dismissed as withdrawn with the liberty aforesaid.

(Birendra Prasad Verma, J)

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