

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11014 of 2014

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Gajendra Mohan Kumar S/o Late Deo Narayan Prasad, Resident of Village Machh Pakauni, P.S. Bela, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Old Secretariat, Bihar, Patna.
2. The Commissioner-cum-Secretary, Revenue and Land Reforms Department, Bihar, Patna.
3. The Collector, Sitamarhi.
4. The Superintendent of Police, Sitamarhi.
5. The Sub Divisional Officer, Sadar Sitamarhi.
6. The Circle Officer, Parihar, District Sitamarhi.
7. Bibi Amna Khatoon W/o Ali Imam Resident of Village Parsa.
8. Md. Izharul Haque S/o Sheikh Nurul Both are Resident of Village Machh Pakauni, P.S. Bela, District Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha, Adv.

For the Respondent Nos. 1 to 6 : Mr. Rajesh Kumar, AC to G.P. 3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 27-10-2016 Heard the learned counsel appearing on behalf of the petitioner and the learned AC to G.P. 3 appearing on behalf of the respondent nos. 1 to 6.

The petitioner has filed the present writ petition seeking a direction to the respondent authorities to ensure his possession over the lands in question detailed in paragraph no.1 itself. He has also prayed for a direction to the civil court for early disposal of T.S. No. 113 of 2012.

The learned counsel appearing on behalf of the petitioner submits that though the Title Suit No. 113 of 2012 has been filed by the petitioner for grant of appropriate relief to him with respect to the lands in question, but that is not being taken to its logical conclusion. He further submitted that in view of the fact that Title Suit No. 113 of 2012 is still pending between the parties with respect to the lands in question, he may be permitted 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 in the

pending title suit.

The learned State counsel appearing on behalf of the respondent nos. 1 to 6 does not raise any objection to the aforesaid prayer made on behalf of the petitioner, but he submits that all the parties in the pending title suit are required to be heard before passing any final judgment in the aforesaid pending title suit. He further submitted that all the defendants of the aforesaid title suit have not been impleaded as party respondents in the present proceeding.

In above view of the matter, the prayer for withdrawal of the present writ petition is allowed with a direction to the learned Sub-Judge IV, Sitamarhi, who is in seisin of the aforesaid civil suit, or his successor court to take up the aforesaid Title Suit No. 113 of 2012 on priority basis and all endeavours shall be made to dispose of the same at an early date, but before passing the final judgment and decree, an opportunity must be given to all the plaintiffs and all the defendants of that title suit for producing their evidence in support of their respective cases with respect to the lands in question. The petitioner shall also be at liberty to raise all the issues of facts and law in the aforesaid pending title suit.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner with respect to the lands in question and this is left to be decided by the aforesaid civil court in the aforesaid pending title suit.

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

(Birendra Prasad Verma, J)

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