

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23316 of 2013

Surendra Mahto S/O Late Matwar Mahto Resident Of Village- Chauki Hasan (Dhanuk Tola), P.O- Chauki Hasan, P.S- G.B. Nagar, Tarwara, Distt- Siwan.

.... Petitioner/s

Versus

- 1. The State Of Bihar
- 2. District Magistrate Siwan, Distt- Siwan.
- 3. Superintendent Of Police, Siwan, Distt- Siwan.
- 4. Sub- Divisional Magistrate, Siwan Sadar, Distt- Siwan.
- 5. D.C.L.R. Siwan, Sadar, Distt- Siwan Null Null
- 6. Anchal Adhikari, Siwan, Sadar, Distt- Siwan
- 7. Office in Charge, Police Station, Siwan, Distt- Siwan.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. ASHOK KUMAR
For the Respondent/s : Mr. S.RAZA AHMAD

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 14-07-2016

Heard the counsel for the petitioner and State.

A counter affidavit is filed on behalf of respondent nos. 2 & 4 to 6.

No rejoinder thereto is filed.

It is stated that the petitioner has right, title and possession over the subject land vide a decree passed in T.S. No. 298 of 2009 (Annexure-2) pursuant where to the subject land was settled with the petitioner by the State respondent vide order dated 12.05.2012 in Land Settlement Case No. 03 of 2002-03.

The writ application prays for a direction upon the respondents for removal of their unauthorized possession/intervention with the right, title and possession of the petitioner over the subject land.

In the counter affidavit, the respondents relying on Annexure-A, has strongly disputed that any intervention by the State authorities has been made

over the subject land. The writ application, in that view of the matter, appears to be misconceived.

The counsel for the petitioner, however, states that the petitioner still has some issue with the private persons and, as such, he may be permitted to withdraw this writ application enabling him to ventilate his grievance before the appropriate forum/authority in accordance with law.

The application is permitted to be withdrawn with the said liberty.

(Kishore Kumar Mandal, J)

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