

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24135 of 2013

Angeshwar Prasad S/O Late Genda Bhagat Resident Of Village Kura Nawada,
P.O- Punpun, P.S- Persa Bazar, District- Patna, **replaced by 1. Murti Devi wife of
the deceased petitioner & 2. Deo Kumar, son of the petitioner.**

.... Petitioner/s

Versus

1. The State Of Bihar
2. Collector, Patna (District Magistrate, Patna)
3. Deputy Development Commissioner, Patna-1
4. Sri Rajendra Prasad, Block Development Officer, Sampat Chak, P.O- Baria, P.S- Gopalpur, Distt- Gaya
5. Sri Jaideep Paswan, J.A.S. Sankhedi Padadhikari, Sampat Chak, Block, P.S- Gopalpur, Distt- Patna.
6. Smt. Geeta Devi W/O Laxmi Sao R/O Village Bangaper, P.S- Persa Bazar, Distt- Patna, At Present Village Kura Nawada, P.S- Persa Bazar, Distt- Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. SHYAM BIHARI PRASAD

For the State Kumari R Bharti, AC to SC 21

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 09-08-2016

Heard the counsel for the petitioner, AC to SC- 21 for the State as well as respondent no.6.

I.A. No. 5956 of 2016 is filed to substitute the applicant(s) in place of the sole writ petitioner who died during the pendency of this application. Along with the application, the Vakalatnama is also enclosed.

Having heard the parties the said application is allowed. Let the applicants of interlocutory application be substituted as writ petitioners in place of the deceased petitioner.

The writ application prays for a direction upon the respondents not to provide fund to any claimants for construction over the land claimed by the petitioner(s) appertaining to khata no. 163, plot no.761, measuring an area of 06

decimals situated at village Kura Nawada, P.S. Persa Bazar, in the district of Patna.

On their own showing, it appears Title Suit No. 355 of 2009 for declaration of title over the subject land as well as the Title Eviction Suit No. 15 of 2008 for evicting the claimant(s) of the land have been filed by the petitioner(s). The respondent, through a communication dated 18.03.2011 (Annexure-6A), has also informed the petitioner to get the matter thrashed out in the pending suit(s) before the court of competent jurisdiction.

As the matter relating to the subject land is pending consideration before the court, it would not be appropriate for this Court to record any opinion on the rival submissions of the parties.

The writ application stands disposed of permitting the petitioner(s) to pursue the remedy before the court where the suits are pending.

(Kishore Kumar Mandal, J)

HR/-

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