

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8069 of 2014

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1. Arun Kumar, Son of Late Janardhan Singh.
 2. Sujeet Kumar Singh, Son of Late Janardhan Singh Both are resident of Maulabagh Civil Line, in front of District Judge resident, Ara P.O.- Ara, Police Station- Ara Nawada, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Welfare Department, Government of Bihar, Bihar Patna.
2. The Secretary, Welfare Department, Government of Bihar, Bihar Patna.
3. The Deputy Secretary, Welfare Department, Government of Bihar, Bihar Patna
4. The District Magistrate, District- Bhojpur at Ara.
5. The District Welfare Officer, District- Bhojpur at Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Madanjeet Kumar, Advocate

For the State : Mr. Sita Ram Yadav, G.P. 16

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-11-2016

Heard learned counsel for the parties.

In view of the nature of prayer made in the writ application seeking vacation of the building owned by the respondent State and also for paying up-to-date rent, in the considered opinion of the Court, the same has to be agitated before the civil Court of competent jurisdiction and the writ Court is not the proper forum to go into disputed questions of fact, which in the present case is apparent; as on the one hand, the petitioners assert on oath that the premises is still occupied by the State, whereas on the other hand, the

State, also on oath, has stated that the premises has been vacated long back.

Accordingly, the writ application stands disposed off with liberty to the petitioners to invoke the jurisdiction of the civil Court of competent jurisdiction for seeking the relief sought for in the present writ application.

If the petitioners approach the appropriate forum within one month from today, the claim as raised in the writ application, shall be adjudicated on merits, in accordance with law. It is expected that the matter would be disposed off expeditiously.

(Ahsanuddin Amanullah, J.)

P. Kumar

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