

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.572 of 2016

In

Civil Writ Jurisdiction Case No.23563 of 2012

Purushottam Kumar Agarwal Son of Late Bishwanath Prasad Agarwal
Resident of Village Sanhoula P.S. and P.O. Sanhoula, District Bhagalpur.

... .. Appellant

Versus

1. The State of Bihar
2. The Commissioner, Bhagalpur Division, Bhagalpur.
3. The Deputy Collector Land Reforms, Kahalgaon, District Bhagalpur.
4. The Circle Officer, Sanhoula, District Bhagalpur.
5. Ghanshyam Agarwal Son of Late Sitaram Agrawal Resident of Village-Sanhoula, P.S. and P.O. Sanhoula, District Bhagalpur.
6. Sanajay Agarwal Son of Late Bishwanath Prasad Agarwal Resident of Village Sanhoula, P.S. and P.O. Sanhoula, District Bhagalpur.

... .. Respondents

Appearance :

For the Appellant	:	Mr. Yogendra Mishra, Advocate Mr. Arvind Kumar Jha, Advocate
For the Respondent State:		Mr. Kumar Pankaj, AC to SC-5
For the Respondent No.5 :		Mr. Bimlendu Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 28-11-2017

Heard learned counsel for the appellant, counsel for the private respondent and counsel for the State. Perused the impugned order dated 05.01.2016.

Since a Title Suit No. 489 of 2011 has already been preferred by the private respondent of which the present appellant is also party and the suit relates to the year 2011 we are in the year 2017, *de hors* all submissions the correct forum has already been moved. The adjudication, which will be made by the civil Court in the title



suit after hearing the parties, will form the basis for future outcome of claim either ways.

The submission of the counsel for the appellant is that the left over land on which there is also a dispute about it being a passage or his land, the status of the same can be very well decided in the plea which will be taken in the written statement and the kind of evidence which will be led by him in the suit.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
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