

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11396 of 2014

=====

Radhey Shyam Passi, Son of Late Ram Nagina Passi, Resident of Village- Meda,
P.S.- Ram Garh, District- Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. The State of Bihar through Collector Kaimur (Bhabhua).
2. The Collector-cum-District Magistrate, Kaimur (Bhabhua).
3. The Addl. Collector, Kaimur, Bhabhua.
4. The Sub-divisional Officer, Kaimur (Bhabhua).
5. The Circle Officer, Ramgarh, District- Kaimur (Bhabhua).
6. Surendra Passi Son of Resident of village-
..... Police Station-, District- Kaimur (Bhabhua).

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. H. S. Roy, Advocate
For the State : Mr. Vinay Kumar Mishra, A.C. to A.A.G. 15

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-01-2017

Heard learned counsel for the parties.

The petitioner has moved the Court for the following
reliefs:

*(i) For issuance of an appropriate writ order,
direction to the respondents restraining them
from taking any action to destroy the trees
standing on the lands of Mauza- Marha, Khata
no. 129, Plot no. 93, Thana no. 969, P.S.
Ramgarh, District-Kaimur which were cropped
by Ram Autar Passi, the full brother of
petitioner a License from competent authority*



for Forestry scheme on the aforesaid plot.

(ii) For issuance of an appropriate writ, order, direction to declare that petitioner as well as son and wife of petitioner's brother Ram Autar Passi have right to save the standing trees on the plot no. 93, Khata no. 929, of Mauza- Marha, P.S. Ramgarh, District-Kaimur which were cropped after getting licence under forestry scheme by competent authority.

(iii) For issuance of an appropriate writ, order, direction that petitioner is entitled to enjoy all the profits from the standing Trees on the aforesaid plot as it was cropped by petitioner's brother under valid licence granted by Competent authority.

(iv) For issuance of an appropriate writ, order, direction to quash the common order dated 10.5.2014 passed in Case no. 1/07-08 and in Misc. Case No. 56/13-14 whereby and whereunder the lease granted under Forestry Scheme in favour of petitioner's brother has been cancelled giving wrong findings that only one or two trees are standing on the land and no forestry was done."

Having regard to the nature of the controversy, in the opinion of the Court, the matter cannot be decided under Article 226 of the Constitution of India.

Faced with the situation, learned counsel for the petitioner seeks permission to pursue Title Suit No. 212 of 2007 which was filed by the original licensee i.e., the late brother of the petitioner.

Learned counsel for the State does not oppose.



In view of the aforesaid, the writ application stands disposed off as withdrawn with the liberty aforesaid.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	

