

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17285 of 2017

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1. Meena Kumari, W/o- Late Arvind Kumar Mandal @ Arjun Mandal,
 2. Rohit Kumar Nirala, S/o- Late Arvind Kumar Mandal @ Arjun Mandal.
 3. Smt. Puja Devi, W/o- Rohit Kumar Nirala, All of the above Permanent Resident of Keshopur Idgah Road, P.S.-Jamalpur, District-Munger, Presently Residing at Ashanandpur, Parbatti, P.S.-Tararpur, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department, of Home Government of Bihar, Patna.
3. The Director General of Police, Bihar Patna
4. The District Magistrate, Bhagalpur,
5. The Inspector General of Police, Bhagalpur, Bihar,
6. The Deputy Inspector General of Police, East Range, Bhagalpur, Bihar,
7. The Superintending of Police, Bhagalpur, Bihar,
8. The Deputy Superintendent of Police, Bhagalpur, Bihar,
9. The S.H.O., Tatarpur (University) Police Station, District-Bhagalpur,
10. The S.H.O., Tatarpur Police Station, District-Bhagalpur,
11. Shankar Prasad Sah, S/o- Late Chedi Prasad sah,
12. Diwakar Prasad, S/o- Shankar Prasad Sah,
13. Mohit Gupta, S/o- Uttam Kumar Sah. Respondent nos. 11 to 13, Resident of Ashanandpur, Parbatti, P.S.-Tatarpur (University), District-Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Sah
For the Respondent/s	:	Mr. Md.N.H.Khan -SC 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-10-2018 Heard Mr. Rajeev Sah, learned counsel for the petitioners and Mr. Harun Quraishi, learned AC to SC 1 for the respondent-State.

The present writ application has been filed for a



direction to the respondent authorities to restore the peaceful possession of the petitioners over their purchased land, appertaining to Holding No. 11/18(old) and 130 (new), Ward No. 17/20, situated at Lower Nathnagar Road, Mohalla-Ashanandpur Parbatti, P.S.- Kotwali, District Bhagalpur.

Learned counsel for the petitioners submits that the petitioners have already filed Title (Possessory) Suit No. 562 of 2016, under Section 6 of the Specific Relief Act for restoration of the peaceful possession of the petitioners over the land in question, wherein private Respondent Nos. 11 to 13 are the party defendant, but in spite of substituted service of notice, they are not appearing in the case.

Considering the fact that the relief prayed for in the present writ application for restoration of possession of the petitioners over the land in question, cannot be resolved by this Court in the present proceeding, as it requires leading of evidence, which can only be resolved by a competent Civil Court and moreover, since the suit under Specific Relief Act is already pending, it is expected from concerned learned Sub-Judge, Bhagalpur to conclude the proceeding of Title (Possessory) Suit No. 562 of 2016 within a period of one year.

Accordingly, in view of the observations and



directions made above, the present writ application is disposed
of.

(Dinesh Kumar Singh, J)

Amrendra/-

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