

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16240 of 2018

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Sunari Devi, Wife of Late Gokhula Kahar, Resident of Village- Banjari,
Pargana- Kuari, P.S.+P.O.+District Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, District- Gopalganj.
2. The Sub Divisional Officer, Flood Control Department, District- Gopalganj.
3. The Circle Officer, Gopalganj, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kamala Prasad Roy, Adv. Mr. Satya Ranjan Sinha, Adv.
For the Respondent/s	:	Mr. Sajid Salim Khan – SC 25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-08-2018 Heard Mr. Kamala Prasad Roy, learned counsel for

the petitioner and Mr. Sajid Salim Khan, learned SC 25 for the

respondent-State.

The petitioner has virtually prayed for getting the
judgment and decree dated 18.07.2006, passed by learned Sub-
Judge-I, Gopalganj in Title Suit No. 121 of 1975, executed. The
prayer as stipulated in Paragraph No.1 of the writ application
reads as follows:-

“I. To direct the concerned Respondents to vacate the
encroached land of Khata No. 34, Plot No. 21, Area 7 Katha,
Mauza-Gopalganj, Thana No. 76, Tauzi No. 3947, District-
Gopalganj.

II. In view of the Judgment and Decree dated 18.07.2006
passed by learned Sub-Judge-I, Gopalganj in T.S. 121/1975 but
the Respondents have not complied the order as vacated the
lands in question as yet.



III. To grant any other relief/reliefs which the petitioner may be found entitled in the facts and circumstances of the case.”

In view of the settled legal proposition that the decree passed by Civil Court in Title Suit cannot be executed through exercise of discretionary jurisdiction under Article 226 of the Constitution of India, learned counsel for the petitioner seeks permission to withdraw the present writ application to take recourse for execution of settlement.

Permission is accorded.

Accordingly, the present writ application dismissed as withdrawn.

(Dinesh Kumar Singh, J)

Amrendra/-

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