

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8437 of 2019

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Banarsi Thakur @ Banarasi Thakur Son of Late Hari Thakur Resident of Jorarpur, P.S. Deep Nagar, District-Nalanda, at present residing at Mohalla-Ramchandrapur, P.S.Laheri, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The District Magistrate, Nalanda at Biharsharif.
3. Biharsharif Nagar Nigam, Nalanda through its Mayor.
4. The Mayor, Biharsharif Nagar Nigam, Nalanda.
5. The Municipal Commissioner, Biharsharif Nagar Nigam, Nalanda.
6. The Deputy Collector Land Reforms, Nalanda.
7. The Circle Officer, Biharsharif, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. D.K. Singh, Sr. Advocate
For the Respondent/s	:	AC to SC 25.
For the Nagar Nigam	:	Mr. Gyan Prakash Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 22-04-2019 Heard learned counsel for the petitioner and counsel appearing on behalf of the State as well as Nagar Nigam.

Learned counsel for the petitioner submits that the issue as to the title suit is pending consideration before the Civil Court in Title Appeal No. 51 of 2010.

Learned counsel for the petitioner submits that during pendency of the suit a petition for grant of interim injunction was filed. However, the aforesaid suit was dismissed and as such the interim stay merged in the order of dismissal. Thereafter, he has preferred appeal, in the appeal he has filed



petition for grant of interim injunction which has not been decided.

Learned counsel for the respondent would submit that the issue was decided in the Encroachment Case No. 24 of 2016-17 and as such no indulgence can be granted in the present case.

Having regard to the nature of dispute, the Court is not inclined to grant any indulgence at this stage. However, liberty shall be available to the petitioner to approach the appellate Court in Title Appeal No. 51 of 2010 which shall decide the application for injunction within a period of 30 days from the date of receipt/production of a copy of this order.

With the aforesaid, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./-

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