

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.105 of 2018

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Kameshwar Das @ Kameshwar Mochi

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vindhyachal Singh, Advocate
For the Respondent/s : Mr. S.C. Yadav- GP15

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 27-09-2022 Heard the parties including Mr. Vindhayachal Singh,

Senior Advocate who has argued at length for the petitioner.

The admitted position is that the dealership was advertised in the year 2011. It was inaugurated in the year 2013 and the same is continuously functioning.

The petitioner has approached this Court in the year 2018 saying that the mutation in favour of the petitioner is wrong and illegal and the same should be set aside resulting in the cancellation of the dealership.

Learned counsel for the respondent No. 5 and 6 submits that it is a proxy litigation by the petitioner on behalf of the respondent No. 7 and it is the respondent No. 7 who has put up this petitioner to file this case and disturb the dealership of the petitioner.



It has been submitted jointly by the Petroleum Company, State and the respondent No. 5 and 6 that if the petitioner claims the land in question, it was for him to approach the Civil Court and get his right, title and interest decided by the Civil Court. This Court, in writ proceeding will not decide the right, title and interest of the petitioner.

Considering the submissions of the parties, in the opinion of this Court, this writ petition is fit to be dismissed on the ground of delay and laches as the petitioner could not explain the delay apart from saying that he is a poor person belonging to the weaker section of the society.

In the aforesaid circumstances, this writ application is dismissed. However, the petitioner may approach the Civil Court for declaration of right, title and interest in accordance with law.

(Sandeep Kumar, J)

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