

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3002 of 2015

Surendra Kumar S/o Late Jageshwar Ram Resident of Ekangarsari and P.O. and P.S. Ekangarsari, District - Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Joint Secretary, Water Resources Engineering Department, Government of Bihar, Patna.
4. The District Collector, Nalanda.
5. The Deputy Development Commissioner, Nalanda, District - Nalanda at Biharsharif.
6. The Sub-Divisional Officer, Hilsa, District - Nalanda.
7. The Land Reforms Deputy Collector, Hilsa, District - Nalanda.
8. The Circle Officer Ekangarsarai, Nalanda.
9. Santosh Kumar S/o Ramashish Prasad Yadav Resident of Village - Shiv Dutta Bigha, P.O. and P.S. Ekangarsarai, District - Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bal Bhushan Choudhary, Advocate
For the Respondent/s	:	Mr.N.K. Singh, Advocate
		Mr. Hitesh Suman, AC to SC-13

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-12-2022 The present writ petition has been filed seeking the following relief:-

“1. That this is an Application for issuance of an appropriate Writ (s), order(s) and direction(s) commanding/directing the Respondents not to construct any Pathway/Rasta/Pucca Road on the Northern Part of Chak Plot No.1410 measuring 20.34 Decimal appertaining of Chak Khata No.111, Thana No. 112, Mauza-Paindapur(Daniyawan), P.S.-Ekangarsarai, District- Nalanda which is the Raiyati Land of



the petitioner as well as for restraining them from constructing such road/rasta on the Top of Byasi-Teisi Pyne towards the southern side on the land of the Pyne which is a gairmazarua Aam land used for irrigational purposes by the general public.”

The learned counsel for the respondents has referred to the counter affidavit, filed in the present case and has submitted that the petitioner has already preferred a Title Suit bearing Title Suit No. 125 of 2012, seeking declaration of his right, title and interest over the land in question, which is pending before the learned Court of Sub-Judge-II, Hilsa, District-Nalanda, hence, the present writ petition is not maintainable.

This Court finds that it is a well settled law that for the same cause of action, two remedies cannot be pursued simultaneously and since the petitioner has already availed the more efficacious remedy by filing a civil suit, this Court finds that the present writ petition is not maintainable, hence, the same stands dismissed.

(Mohit Kumar Shah, J)

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