

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6886 of 2020

Sushil Pathak

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ratan Kumar Kumar

For the Respondent/s : Mr.Dhurjati Kr.Prasad (GP-14)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 10-08-2022 Heard the parties.

Learned counsel in paragraph 11 of the writ petition has himself stated that for the same relief he has filed Title Suit No. 183 of 2019.

Learned counsel for the State has filed his counter affidavit and submits that the defendants have appeared in the Title Suit and the petitioner cannot be permitted to pursue two proceedings before two different Court.

In the opinion of this Court, this application is misconceived and is disposed of.

In the plaint, which has been annexed with the counter affidavit, the petitioner has averred that he is in possession of the suit land and one of the reliefs sought by him is that the possession of the plaintiff be confirmed over the suit land.



The petitioner has also prayed for injunction to restrain defendants from interfering with the possession of the suit land.

The petitioner will be well advised to file injunction application for grant of injunction against the defendants during the pendency of the suit.

If such an application is filed before the Sub-Judge-I, before whom the suit is pending, the same shall be decided within 30 days of its filing without granting any unnecessary adjournment.

The possession of the petitioner shall not be disturbed till the next eight weeks and he is expected to file his injunction application in the Court below within two weeks from today.

(Sandeep Kumar, J)

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