

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3791 of 2005

- 1.1. Ram Iqbal Singh Son of Late Ram Briksha Singh Resident of Village and Post Narsinghpur, P.S. Mushari, Distt- Muzaffarpur.
- 1.2. Ram Kripal Singh Son of Late Ram Briksha Singh Resident of Village and Post Narsinghpur, P.S. Mushari, Distt- Muzaffarpur.
- 1.3. Nirmala Devi W/o Ramesh Thakur and Daughter of Late Ram Briksha Singh Resident of Village- Harishankar Maniari, P.O. Shilot, P.S. Maniari, District- Muzaffarpur.
- 1.4. Sita Devi W/o Sunil Tiwari and Daughter of Late Ram Briksha Singh Resident of Village- Dwarika Nagar, P.O. Binda, P.S. Mushhari, District- Muzaffarpur.

... .. Petitioners

Versus

1. The State of Bihar.
2. Bidya Singh Son of Late Jap Narain Singh Resident of Village- Narsinghpur, P.S.- Mushahari, District- Muzaffarpur.
3. Shiv Chandra Singh Son of Late Jap Narain Singh Resident of Village- Narsinghpur, P.S.- Mushahari, District- Muzaffarpur.
4. Ram Swarath Singh Son of Late Sarjug Singh Resident of Village- Narsinghpur, P.S.- Mushahari, District- Muzaffarpur.
5. Dasrath Singh Son of Ram Swarath Singh Resident of Village- Narsinghpur, P.S.- Mushahari, District- Muzaffarpur.
6. Nagendra Singh Son of Ram Swarath Singh Resident of Village- Narsinghpur, P.S.- Mushahari, District- Muzaffarpur.
7. Gauri Shankar Singh Son of Bidya Singh Resident of Village- Narsinghpur, P.S.- Mushahari, District- Muzaffarpur.
8. Ram Kripal Singh Son of Ram Briksha Singh Resident of Village- Narsinghpur, P.S.- Mushahari, District- Muzaffarpur.
9. Most. Pawan Devi Widow of Late Uma Shankar Singh Resident of Village- Narsinghpur, P.S.- Mushahari, District- Muzaffarpur.
10. Binit Singh Son of Late Uma Shankar Singh Resident of Village- Narsinghpur, P.S.- Mushahari, District- Muzaffarpur.
11. Sunita Kumari Daughter of Late Uma Shankar Singh Resident of Village- Narsinghpur, P.S.- Mushahari, District- Muzaffarpur.
12. Radhika Devi Widow of Late Raj Kishore Singh Resident of Village- Narsinghpur, P.S.- Mushahari, District- Muzaffarpur.
13. Surendra Kumar Son of Late Raj Kishore Singh Resident of Village- Narsinghpur, P.S.- Mushahari, District- Muzaffarpur.
14. Deepak Kumar Son of Raj Kishore Singh Minor, under guardianship of his mother Radhika Devi, Resident of Village- Narsinghpur, P.S.- Mushahari, District- Muzaffarpur.



15. Ram Mailash Singh Son of Late Bindeshwar Singh Resident of Village- Narsinghpur, P.S.- Mushahari, District- Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate
Ms. Vagisha Pragya Vacacknavi, Advocate
Mr. Ujjwal Bhushan, Advocate
For the Respondent No.6: Mr. Suman Kumar, Advocate
Mr. Bijay Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 12-01-2022 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

The present writ application has been filed under Article 226 of the Constitution of India seeking following relief : -

1. That this application is being filed for issuance of a writ, order or direction commanding and directing the respondent authorities to restore and revive Execution Case no. 15 of 1967 earlier proceeding before the learned 2nd Sub-Judge, Muzaffarpur which ordered to be abated on notification under Section 3 of the Bihar Consolidation of Holdings & Prevention of Fragmentation Act, 1956 for the area within which suit land situate but now the Government through notification dated 27.7.1998 (Annexure-1) under Section 4 A



*of the Act cancelled notification under
Section 3 for the area the suit land
situate.”*

In my opinion, this writ application under Article 226 of the Constitution of India cannot be maintained to entertain the nature of relief as sought for by the petitioners.

Mr. Binod Kumar Singh, learned counsel appearing on behalf of the petitioners, after some arguments, seeks permission to withdraw this writ application with a liberty to file civil miscellaneous application under Article 227 of the Constitution of India before this Court.

This application stands disposed of with the liberty as sought for on behalf of the petitioners.

It is made clear that I have not gone into the merits of the case.

(Chakradhari Sharan Singh, J)

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