

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6573 of 2018

Ashok Kumar Sah S/o Late Prayag Sah, Resident of Village-Mau Bazar, P.S.-
Vidyapatnagar, District-Samastipur and Presently residing at Mohalla-Chak
Nawada, Dalsinghsarai, P.S.-Dalsinghsarai, District-Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Samastipur.
3. The Sub-Divisional Magistrate, Dalsinghsarai, District-Samastipur.
4. The Land Reforms Deputy Collector, Dalsinghsarai, District-Samastipur.
5. The Circle Officer, Vidyapatnagar, District-Samastipur.
6. The Station House Officer, Vidyapatnagar P.S., District-Samastipur.
7. Ramanand Sah S/o Late Ramdeo Sah,
8. Pankaj Sah S/o Ramanand Sah,
Both Resident of Village-Mau Bazar, P.S. Vidyapatnagar, District-Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur, Advocate
For the Respondent/s : Mr. Manish Kumar, GP 4

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 2 10-05-2023 1. Heard learned counsel for the petitioner and learned
counsel for the State respondents.
2. The petitioner has filed the instant writ application
for the following relief(s):-

*“That this is an application for issuance of a writ in
the nature of Mandamus or any other appropriate writ,
order or direction commanding and directing the
respondent authorities to oust the private respondent
nos. 7 & 8 who by dint of their masculine might have
forcibly occupied a portion of the land of the petitioner
bearing Plot No. 5087 (new) under Khata No. 1246*



(new) corresponding to Plot No. 4268 (old) under Khata No. 1288 (old) measuring an area of 5 dhurs situated at Village- Mau Bazar, P.S.- Vidyapatinagar, District- Samastipur by putting a wooden Gumti/a makeshift cabin thereon and/or be pleased to grant such other relief/reliefs for which the petitioner may be found legally entitled to be in the facts and circumstances of the case.”

3. After some argument learned counsel for the petitioner referring to the order dated 26.7.2017 (Annexure-4) passed in BLT Case no. 359 of 2016 (Ramashray Sah & Ors vs Ashok Kumar Sah & Ors) seeks permission to withdraw this application to pursue the matter before the Commissioner, Darbhanga Division, Darbhanga where as per his instructions the matter is still pending pursuant to the said order of remand.

4. Having heard learned counsel for the parties and taking into consideration the submission made, the relevant portion of order dated 26.7.2017 (Annexure-4) passed in BLT Case no. 359 of 2016 by the Member Administrative, Bihar Land Tribunal, Patna is quoted hereinbelow for ready reference:-

“In view of the matter, order dated 16.02.2016 passed by the commissioner, Darbhanga Division Darbhanga is set aside and the matter is remitted back to the Commissioner,



Darbhanga Division, Darbhanga, for fresh hearing after giving opportunity to both the parties.

Hence, this application is disposed off”

5. In view of the facts and circumstances stated hereinabove as also in view of the submissions / prayer made on behalf of the petitioner, this writ application stands disposed of as withdrawn with the aforesaid liberty.

(Partha Sarthy, J)

Spd/-

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