

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2061 of 2023

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Dinesh Pandey Son of Late Vasdev Pandey, Resident of Village- Jhilwania,
P.S.- Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Gopalganj.
4. The Circle Officer, Circle- Kateya, District- Gopalganj.
..... Respondent 1st Set.
5. Suresh Tiwari Son of Late Ramakant Tiwari, Resident of Village- Gaura, P.O.- Gaura, P.S.- Kateya, District- Gopalganj.
Plaintiff of T.S. No.151/2013..Respondent 2nd Set.
6. Gulab Husain Son of Late Oli Miyan, Resident of Village- Gaura, P.O.- Gaura, P.S.- Kateya, District- Gopalganj.
7. Nabi Husain Son of Late Oli Miyan, Resident of Village- Gaura, P.O.- Gaura, P.S.- Kateya, District- Gopalganj.
8. Mir Hasan Son of Late Oli Miyan, Resident of Village- Gaura, P.O.- Gaura, P.S.- Kateya, District- Gopalganj.
9. Asgar Husain Son of Late Oli Miyan, Resident of Village- Gaura, P.O.- Gaura, P.S.- Kateya, District- Gopalganj.
10. Tasir Ali Son of Late Oli Miyan, Resident of Village- Gaura, P.O.- Gaura, P.S.- Kateya, District- Gopalganj.
11. Sabir Ali Son of Late Oli Miyan, Resident of Village- Gaura, P.O.- Gaura, P.S.- Kateya, District- Gopalganj.
..Plaintiff of T.S. No.166/2013..Respondent 3rd Set.
12. Kalawati Devi Wife of Late Toofani Prasad, Resident of Village- Gaura, P.O.- Gaura, P.S.- Kateya, District- Gopalganj.
13. Ragini Devi Daughter of Late Toofani Prasad, Resident of Village- Gaura, P.O.- Gaura, P.S.- Kateya, District- Gopalganj.
14. Chandani Devi Daughter of Late Toofani Prasad, Resident of Village- Gaura, P.O.- Gaura, P.S.- Kateya, District- Gopalganj.
15. Dhananjay Prasad Son of Late Toofani Prasad, Resident of Village- Gaura, P.O.- Gaura, P.S.- Kateya, District- Gopalganj.
16. Sanjiv Kumar Son of Late Toofani Prasad, Resident of Village- Gaura, P.O.- Gaura, P.S.- Kateya, District- Gopalganj.
17. Navnit Kumar Son of Late Toofani Prasad, Resident of Village- Gaura, P.O.- Gaura, P.S.- Kateya, District- Gopalganj.
18. Vinit Kumr Son of Late Toofani Prasad, Resident of Village- Gaura, P.O.-



Gaura, P.S.- Kateya, District- Gopalganj.

19. Ahmad Khan Son of Usaman Khan, Resident of Village- Gaura, P.O.- Gaura, P.S.- Kateya, District- Gopalganj.
20. Usman Khan Son of Late Hafiz Khan, Resident of Village- Gaura, P.O.- Gaura, P.S.- Kateya, District- Gopalganj.
21. Zakir Khan Son of Late Murtaja Khan, Resident of Village- Gaura, P.O.- Gaura, P.S.- Kateya, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (Aag 12)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-02-2023 The present writ petition has been filed seeking the
following reliefs:-

"a. For the quashing of the entire proceeding of T.S. No-151 of 2013 (Suresh Tiwari Vs The State of Bihar) pending in the court of the Learned Munsif, Gopalganj: including the order dated 21.06.2013 passed in T.S. No- 151 of 2013; by which the suit was admitted for the hearing. (Annx-T1 Page -59)

b. And further for the quashing of the entire proceeding of T.S. No. 166 of 2013 (Gulab Husain Vs The State of Bihar) pending in the court of the Learned Munsif, Gopalganj: including the order dated 04.07.2013 passed in T.S. No. 166 of 2013; by which the learned Munsif, Gopalganj has taken up the Injunction Petition for hearing without admitting the suit, formally. (Annx-



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c. And further for the quashing of the entire proceeding of T.S. No. 169 of 2013 (Toofani Prasad Vs The State of Bihar) pending in the court of the Learned Munsif, Gopalganj including the order dated 06.07.2013 passed in T.S. No. 169 of 2013 by which the suit was admitted for hearing. (Annexure 13 Page-108 of this Writ Application).

d. And further it is prayed that the Hon'ble High Court may kindly be pleased to hear the present Writ Application; along with C.W.J.C. No 13721 of 2014 (Nabi Husain and others Vs The State of Bihar and others) and M.J.C. No-2307 of 2013 (Dinesh Pandey Vs The State of Bihar); which arises out of the same transaction of the matter and the same are pending in this Hon'ble High Court.

e. And further for a direction to the Respondent Block Authorities to remove the encroachment from the Plot No- 1161 which is a "Sairat land"/ village market land and details."

At the outset, learned counsel for the petitioner seeks liberty on behalf of the petitioner to raise all the issues raised in the present petition, before the learned Court below, in the pending suit.



Liberty so sought is granted.

The present writ petition stands dismissed as not
pressed.

(Mohit Kumar Shah, J)

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