

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5215 of 2023

=====

Ajay Kumar Mishra @ Ajay Mishra @ Ajau Kumar Mishra S/o Late Satyadeo Mishra, resident of village - Basauli, P.S. Basantpur, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate Cum Collector Siwan.
3. The Superintendent of Police Siwan.
4. The Officer in charge, P.S. Basantpur, District Siwan.
5. Most. Rajmati Devi, Wife of Late Satyadeo Mishra, resident of village Raksho Pali, P.S. Jamo, District - Siwan. Initially resident of Village Basauli, P.S. Basantpur District - Siwan.
6. Bina Devi Wife of Dilip Tiwary Daughter of Late Satyadeo Mishra resident of village Raksho Pali, P.S. Jamo, District - Siwan. Initially resident of Village Basauli, P.S. Basantpur District - Siwan.
7. Seema Devi, wife of Rupesh Shukla, resident of Jalalpur, P.S. Jamo, District - Siwan. Initially resident of Village Basauli, P.S. Basantpur District - Siwan.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.
For the Respondent/s : Mr. Md. Nadim Seraj (GP-5)

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 31-08-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed in which counsel for the petitioner fairly submits that the private respondent on the one hand, has not appeared in the Probate Case No. 52 of 2021 pending before the District Judge Siwan, but on the other hand, disturbing the petitioner in use of the land which is subject matter of the probate case.

3. Counsel for the State raised preliminary objection and submits that if private party is not appearing in the probate case, then remedy lies to the petitioner to move before the civil court only and not before the writ court.

4. In this view of the matter, the writ petition stands disposed of directing the petitioner to avail remedy in the probate case itself.

(Dr. Anshuman, J.)

prakashmani/-

U			
---	--	--	--