

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14644 of 2017

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Arun Pratap Singh, Son of Sri Ram Dyal Singh, Resident of Village- Adaura,
P.O.- Kasap, P.S.- Udwant Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Commissioner, Bihar, Patna
2. The Collector cum District Magistrate, Bhojpur.
3. The Anchaladhikari, Udwant Nagar, at Arrah in Bhojpur District.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha -SC19
Mr. Atul Shankar, AC to SC19

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-04-2023 The present writ petition has been filed
seeking the following relief:-

"1. That this is an application for quashing the Notice dated 8-9-2017 issued by learned Anchladhikari, Udwant Nagar in Bhojpur district by which the Anchladhikari Udwant Nagar Bhojpur has fixed a date to measure the lands of Mauza Arrora P.S. No. 378, Plot Number 1941, 1942, 2021,1994 etc. of Khata No. 470 area 0.45 decimals. The petitioner and 9 other persons are being threatened by the Anchladhikari to be present on the spot on 12.9.2017."

At the outset, the learned counsel



appearing for the respondent-State has submitted that the present writ petition is premature, in as much as the petitioner has approached this Court against the action of the Circle Officer, Udwant Nagar, Bhojpur at Ara, whereby and whereunder he has merely fixed a date to measure the land in question. It is further submitted that the petitioner has himself admitted in paragraph no.13 of the present writ petition that he including some other villagers have filed a title suit bearing Title Suit No.93 of 2017 before the competent civil court for declaration of the title of the petitioner and others over the land in question.

In view of the aforesaid, this Court is of the view that for the same cause of action, two remedies cannot be availed, hence, the present writ petition being not only misconceived but also premature, is dismissed.

(Mohit Kumar Shah, J)

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