

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14972 of 2022

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Suresh Yadav @ Suresh Pd. Yadav son of Late Jagdish Mahto @ Jagdish Prasad Yadav, Resident of Village Bhadra, P.S. Rajauli, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Land and Revenue Department, Bihar, Patna.
2. The Collector, Nawada.
3. The Sub Divisional Officer, Rajauli, P.S. Rajauli District Nawada cum Sub Divisional Magistrate, Rajauli, District- Nawada.
4. The Circle Officer, Rajauli, P.S. Rajauli, District- Nawada.
5. Umesh Mistry son of Late Firangi Mistri, Resident of Village- Bhadra, Police Station Rajauli, District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh, Advocate
For the Respondent/s : Mr. Raj Kishore Roy (GP 18)

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 21-03-2023 Heard learned counsel for the petitioner and learned counsel for the respondent State.

The petitioner has filed the instant writ application for the following relief(s):-

“That the present writ application in the nature of mandamus directing and commanding the respondents concern to give/restore possession to the petitionr of the house situated over the lands of C.S. Khata No.53, c.S. Plot No.276 area 05 decimals shown in khatian as Makan-may Sahan



correspondence to R.S.Khata No.75, R.S. Plot No.480 area 5 decimal situated at village/Mauza Bhadra, P.S. Rajauli, District Nawada from which the petitioner with whole family have been forcibly ousted with whole family by throwing the entire house hold property on road by the Circle Officer, Rajauli (Respondent No.4) illegally with the help of Police force on 16.9.2022.

Any further direction be issued to the concern authorities to take legal action against Respondent No.4 for his illegal action and award compensation for illegal act of respondent concern and make payment to the petitioner.

And any other relief/reliefs be granted to the petitioner for which he is entitled under the law.”

At the outset, learned counsel for the respondents State submits that the details of the property which is the subject matter of the instant application is already the subject matter of Title Suit no. 204 of 2022 filed by the petitioner himself wherein besides the State of Bihar, the Circle Officer, Rajauli, District Nawada and Umesh Mistry, the private respondent no. 5 herein, are all parties. Further from schedule to the said plaint, it would transpire that the land in question in the instant application is also the subject matter of the said suit.

After some argument, having heard the observation of this Court, learned counsel for the petitioner seeks permission to withdraw this application to pursue the suit for the prayer made



in the instant application.

This application is dismissed as withdrawn.

(Partha Sarthy, J)

Spd/-

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