

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11714 of 2014

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Sri Binod Kumar S/o Late Kalicharan Prasad, resident of Village- Akuri, P.S-
Khudaganj, Distt- Nalanda at Biharsharif.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. District Magistrate, Nalanda.
3. Circle Officer, Islampur, District- Nalanda.
4. Braham Sagar Singh, Late Saryug Singh, resident of village- Akuri, P.S.
Khudaganjh

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rabindra Prasad Singh, Advocate
		Mr. Sheo Kumar Prasad, Advocate
For the State	:	Mr. Md. Raisul Haque, SC-10
For respondent no.4	:	Mr. Anil Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

9 10-07-2024 The present writ petition has been filed seeking the
following relief:-

“1. This writ application is being filed for quashing of the order dated 9/6/2014 passed by Addl. Collector-cum-Ad. D.M. Nalanda in Encroachment Appeal Case No. 1/2013-14 whereby and whereunder the respondent authorities has allow the encroachment appeal directed the C.O. to remove the encroachment without considering that the petitioner having residential house over the same and is residing at the time of calstral survey and the then malik has settled the land in favour of ancestral of the petitioner.

(i) For further directions to the respondent authorities to give owner to the order of consolidation court and



accordingly consider the case of the petitioner and after hearing a fresh pass appropriate order.”

2. At the outset, the leaned counsel for the parties submits that a title suit bearing Title Suit No.15 of 2014 is pending consideration before the learned Civil Court, Hilsa at Nalanda, which has been filed by the petitioner, hence the parties be granted liberty to prosecute their respective cases, before the learned trial court, in the aforesaid suit.

3. Liberty, so sought, is granted.

4. Accordingly, the writ petition stands disposed off.

(Mohit Kumar Shah, J)

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