

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8819 of 2015

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1. Manorama Devi wife of Sri Upendra Nath Shrivastava
 2. Suresh Prasad son of Late Silver Saw, Both resident of Baidrabad, P.O.-
Baidrabad, P.S. District- Arwal

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate-cum-Collector, Arwal
3. The Additional District Magistrate-cum-Collector, Arwal
4. The Deputy Collector Land Reforms, Arwal
5. The Circle Officer, Arwal

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Braj Bhushan Mishra, Advocate
For the Respondent/s : Smt. Namrata Mishra, GA-13

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 14-08-2024 The present writ petition has been filed
seeking the following reliefs:-

"1. (i) To issue an appropriate writ, order or direction for quashing the order dated 04.03.2014 passed by the Court of Additional Collector (A.D.M), Arwal in Jamabandi Cancellation Case No. 03/A.C./2012 (contained in Annexure-6)
(ii) To issue an appropriate writ, order or direction for quashing the notice vide Memo No. 424 dated 06.05.2015 issued by the Circle Officer, Arwal in Encroachment Case No. 03/15-16. (contained in Annexure-7)
(iii) To issue an appropriate writ, order or



direction for restraining the respondents not to vacate or disturb the physical possession of the petitioners over the land in question till the decision of the Title Suit No. 183/2014 pending in the Court of Sub Judge- 1st, Jehanabad.

(iv) To direct the parties that they will abide by the decision/judgment passed in T.S. No. 183/2014 pending in the court of Sub Judge-1st, Jehanabad."

2. At the outset, the learned counsel for the respondent-State has pointed out that as far as the order dated 04.03.2014, passed by the Additional Collector (A.D.M.), Arwal in Jamabandi Cancellation Case No. 03/A.C./2012 and the order dated 06.05.2015, passed by the Circle Officer, Arwal in Encroachment Case No. 03 of 2015-16 are concerned, the petitioners have got the remedy of challenging the same by filing appropriate appeals. It is further submitted that the petitioners have also filed a title suit bearing Title Suit No. 183 of 2014, which is pending before the Ld. Court of Sub-Judge-1st, Jehanabad, hence the petitioners should prosecute the same and obtain interim relief, in case they are so interested.



3. Having regard to the facts and circumstances of the case, while granting liberty to the petitioners to file appropriate Appeals, in accordance with law, in case they so desire, I also deem it fit and proper to grant liberty to the petitioners to prosecute the pending title suit, as aforesaid.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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