

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16572 of 2024

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1. Dhananjay Kumar, S/o - Late Dwarika Prasad Singh R/o- Dangra Aahar, P.O and P.S and District- Arwal, 804401.
 2. Niranjana Kumar Sinha, S/o - Ramadhar Singh R/o- Dangra Aahar, P.O and P.S and District- Arwal, 804401.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The District Magistrate, Arwal, Bihar.
3. The District Education Officer, Arwal, Bihar
4. The Block Education Officer, Arwal Block, Arwal, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sonu Kumar Chaudhari Mr. Vikash Kumar Mr. Sushant Kishore Mr. Vikash Kumar
For the State	:	Mr. Government Advocate (9) Mr. Manoj Kumar Sinha- AC to GA-9

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-10-2024 1. Heard learned counsel for the petitioners and learned AC to GA-9 for the State.

2. The learned AC to GA-9, at the outset, submits that from perusal of the Para-7 of the writ application, it would manifest that the petitioners have filed Title Suit No.08 of 2018 on 15.01.2018 in respect of the land in dispute in the present writ application. It is further submitted that instant writ application has been filed by the petitioners seeking a direction upon the authorities to stop the construction of the government



school on the private land of the petitioners pertaining to Khata No.86, Plot No.800, Area 16 decimals at Mauza No.26, Halka-Pyarechak, Anchal+ District- Arwal.

3. The learned counsel appearing on behalf of the State submits that when petitioners have already moved a Court of competent civil jurisdiction, then where was the occasion for the petitioners to move before this Court seeking the instant relief, on which the learned counsel appearing on behalf of the petitioners submits that the Title Suit No.08 of 2018 filed by the petitioners against the State stood dismissed for default on 31.07.2023 for which Misc. Case No.01 of 2024 has been filed on 17.01.2024 before the Court of the learned Civil Judge (Senior Division)-1 seeking restoration of Title Suit No.08 of 2018.

4. It is submitted that since the Title Suit has been dismissed for default, as such, the same necessitated the petitioners to move before this Court, the said submission of the learned counsel appearing on behalf of the petitioners is rebutted by the learned counsel appearing on behalf of the State. It is submitted that after restoration of the Title Suit, the petitioners can claim the relief which has been claimed in the instant writ application.



5. Considering the submissions made by the learned counsel appearing on behalf of the State, the Court finds no merit in the writ application.

6. Accordingly, the instant writ application is dismissed.

(Satyavrat Verma, J)

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