

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.35 of 2024

1. Awadh Kumar Singh Son of Sri Santlal Singh, Resident of Mohalla-Shahdara, Ramdhani Road, Police Station- Malsalami, Patna City, District-Patna.
2. Raj Kumar Rajan, Son of Late Santlal Yadav, Resident of Mohalla- Simli, Ward No.- 71, Patna City, Police Station- Malsalami, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Tourism Department, Government of Bihar, Patna.
2. The Collector, Patna.
3. The Additional Collector, Patna.
4. The Deputy Collector, Land Reform (DCLR), Patna City, Patna.
5. The Circle Officer, Patna Sadar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kant, Advocate Mr. Manish Kumar, Advocate
For the Respondent/s	:	Mr. AC to SC-25

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-12-2024 1. Heard learned counsel for the petitioners and learned
AC to SC-25 for the State.

2. Learned counsel for the petitioners submits that the instant writ application has been filed seeking quashing of the order dated 28.04.2022 in Jamabandi Cancellation Case No. 110/2021-22 passed by the Additional Collector, Patna whereby Jamabandi No. 2048 of the petitioners has been cancelled.

3. Learned counsel appearing on behalf of the State submits that petitioners have already filed Title Suit No. 22 of 2023 in the Court of learned Sub-Judge-1, Patna City assailing the order dated 28.04.2022 in Jamabandi Cancellation Case No.



110/2021-22 passed by the Additional Collector, Patna as would manifest from the pleadings made in the supplementary affidavit filed on behalf of the petitioners.

4. Learned counsel for the petitioners, at this stage, submits that it appears that petitioners on wrong advice moved before the Court of learned Sub-Judge-I, Patna City by filing Title Suit No. 22 of 2023 challenging the order of the Additional Collector in Jamabandi Cancellation Case No. 110/2021-22 when petitioners had alternative remedy of appeal before the Collector and thereafter before the Bihar Land Tribunal. It is further submitted that petitioners would be satisfied in the event if the writ application is permitted to be withdrawn with liberty to the petitioners to assail the order of the Additional Collector in appeal before the Collector of the district on which learned counsel appearing on behalf of the State submits that petitioners cannot pursue a parallel remedy of assailing the order of the Additional Collector before the Civil Court and before the concerned Collector on which learned counsel appearing on behalf of the petitioners submits that Title Suit No. 22 of 2023 pending in the Court of learned Sub-Judge-I, Patna City shall be withdrawn on which learned counsel appearing on behalf of the State submits that if the petitioners withdraw the title suit in that event the State will have no objection to the prayer made by the petitioners



seeking withdrawal of the writ application with liberty to assail the order passed by the Additional Collector in Jamabandi Cancellation Case No. 110/2021-22 by filing an appeal before the concerned Collector.

5. Learned counsel for the petitioners thus seeks permission to withdraw the instant writ application with the liberty aforesaid of filing an appeal assailing the order of the Additional Collector in Jamabandi Cancellation Case No. 110/2021-22 after withdrawing the title suit filed in the Court of learned Sub-Judge-I, Patna City i.e. Title Suit No. 22 of 2023.

6. Permission is accorded.

7. Accordingly, the writ application is dismissed as withdrawn.

8. If any appeal is filed by the petitioners before the Collector on or before 27.12.2024 after withdrawing the title suit and issue of limitation arises in that event the authorities shall keep in mind that the petitioners were before this Court seeking their remedy since 02.01.2024.

(Satyavrat Verma, J)

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