

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16765 of 2024

1. Devmaya Devi Wife of Chandradeo Pandit @ Chandroshan Pandit Resident of Village- Baluahi, Ward No. 24, P.O. and P.S.- Khagaria, District-Khagaria.
2. Sulo Devi Wife of Ramanand Yadav Resident of Village- Baluahi, Ward No. 24, P.O. and P.S.- Khagaria, District-Khagaria.
3. Hasina Khatoon Wife of Late Mohammad Harun Resident of Village- Baluahi, Ward No. 24, P.O. and P.S.- Khagaria, District-Khagaria.
4. Babua Prasad Yadav Son of Late Gena Lal Yadav Resident of Village- Baluahi, Ward No. 24, P.O. and P.S.- Khagaria, District-Khagaria.

... .. Petitioner/s

Versus

1. The Union of India through Defence Secretary Government of India 101-A, South Block, New Delhi.
2. The State of Bihar through the Principal Secretary Home Department, Govt. of Bihar, Patna.
3. The District Magistrate, Khagaria.
4. The Circle Officer, Khagaria, Anchal Khagaria.
5. The Executive Officer, Nagar Parishad, Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mrigendra Kumar, Advocate.
For the UOI	:	Mr. Hareram Singh, CGC.
	:	Mr. Lokesh, Advocate.
For the State	:	Mr. Kinkar Kumar, SC-9.
For the Res. No.5	:	Mr. Krishna Chandra, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 30-10-2024 Learned counsel for the petitioners submits that a title suit bearing Title Suit No.36 of 2022 is already pending before the learned Sub-Judge-I, Khagaria and the petitioners have already filed the injunction petition therein, which is pending before the said Court and he shall pursue his application before the Court concerned.



2. Learned counsel for the State submits that since the title suit between the parties with respect to the same subject matter is pending before the Court concerned, the present writ petition is not maintainable. He further submits that it is well settled that if civil suit is pending between the parties with same relief then writ petition for the same is not maintainable.

3. At this stage, learned counsel for the petitioners submits that the petitioners have already filed the injunction petition in the title suit which is pending before the concerned Court and, accordingly, prayed that this case may be disposed of with liberty to the petitioners to press the pending injunction petition in the said title suit.

4. In view of the submission of learned counsel for the parties, the present writ petition stands disposed of with liberty to the petitioner, as prayed for.

(Sunil Dutta Mishra, J)

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