

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7292 of 2024**

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Deepak Kumar S/o- Late Ramkishor Prasad, Resident of Station Road, P.S.- Kotwali, District -Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Principal Secretary, Land and Revenue Department, Government of Bihar, Patna.
2. The Principal Secretary Land and Revenue Department, Government of Bihar, Patna.
3. The Commissioner Magadh Pramandal, Gaya.
4. The District Magistrate Gaya.
5. The Senior Superintendent of Police Gaya.
6. The Additional District Magistrate Gaya.
7. The Circle Officer Gaya, Gaya.
8. Sujeet Kumar S/o- Late Ramkishor Prasad, Resident of Station Road, P.S.- Kotwali, District- Gaya.
9. Rinki Gupta Wife of Sujeet Kumar, Resident of Station Road, P.S.- Kotwali, District- Gaya.
10. Daymanti Devi Wife of Late Ramkishor Prasad, Resident of Station Road, P.S.- Kotwali, District- Gaya.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Rama Kant Singh, Advocate         |
| For the State        | : | Mr. Narendra Kumar Singh, AC to GP-22 |

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      26-05-2025                      The writ petitioner has grievance that despite Probate being granted to him in regard to the land in question, the private respondent Nos. 8 to 10 are resisting handing over the possession of the property to the petitioner. Hence, he is seeking direction to respondent Nos. 1 to 7 to provide police personnel to get the forceful possession of the property from respondent Nos. 8 to 10.



2. Heard learned counsel for the petitioner and learned AC to GP-22.

3. Admittedly the petitioner has got only Probate in regard to the property in question and however, title of the property is being disputed by respondent Nos. 8 to 10 and they are not handing over the possession to the petitioner.

4. In such a situation, the petitioner has remedy to file appropriate civil suit for declaration of title and delivery of possession of the property in question, rather than filing the present petition.

5. At this stage, learned counsel for the petitioner is seeking permission to withdraw the present petition with liberty to file appropriate civil suit.

6. Accordingly, the present petition is dismissed as withdrawn with liberty to the petitioner to file appropriate suit.

**(Jitendra Kumar, J.)**

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