

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.344 of 2025

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Mohammad Dilshad Khan, son of late Md. Farid Khan resident of Village and P.S - Piro, District- Bhojpur power of attorney holder of Kadar Nath Fatehpuria the liquidator of Arrah- Sasaram Light Railway Company Ltd. (company under voluntary liquidation) having its registered office at no. 9 Lal Bazar Street, Calcutta.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Lands Reforms Department, Government of Bihar, Patna
2. The Additional Chief Secretary, Urban Development and Housing Department, Government of Bihar, Patna
3. The Assit. Director, Land Acquisition Directorate, Revenue and Lands Reforms Department, Government of Bihar, Patna
4. The Collector, Bhojpur at Arrah
5. The District Land Acquisition Officer, Bhojpur at Arrah
6. The Executive Officer, Nagar Panchayat, Piro

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siddharth Harsh- Advocate
For the State	:	Mr. Standing Counsel (8)
For Respondent No.6	:	Mr. Gopal Jha- Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-01-2025 1. Heard learned counsel for the petitioner, learned

AC to SC-8 for the State and the learned counsel appearing

on behalf of the respondent no.6.

2. The learned counsel appearing on behalf of the

State, at the outset, submits that from perusal of the

pleading made at Para-11, it appears that petitioner had

moved earlier before this Court by filing CWJC No.98 of

2022, which was dismissed by an order dated 25.03.2022,



holding it to be a pure question of fact giving liberty to the petitioner to resort to civil remedy and the writ petition was dismissed, on which the learned counsel appearing on behalf of the petitioner fairly submits that no doubt, the petitioner had moved this Court earlier praying for the relief as prayed in the instant writ application by filing the CWJC No.98 of 2022, in which the order dated 25.03.2022 was passed leaving it open for the petitioner to take recourse to civil remedy and the writ application was dismissed.

3. The learned counsel appearing on behalf of the respondent no.6 rebuts the said submission of the learned counsel appearing on behalf of the petitioner and submits that the subsequent writ application for the same relief is not maintainable as it is barred by *res judicata*.

4. After hearing the learned counsel for the parties, the Court is in complete agreement with the submissions made by the learned counsel appearing on behalf of the respondent no.6 that the instant writ application is not maintainable in view of the fact that for the same relief, the petitioner had earlier filed CWJC No.98 of 2022, which came to be dismissed.



5. The instant writ application is dismissed accordingly.

(Satyavrat Verma, J)

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