

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7712 of 1999

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Raghubar Singh, son of late Ram Pravesh Yadav, resident of village-Dumraon, Police Station-Dumraon, District-Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Director of Consolidation (Headquarter), Bihar, Patna.
3. The Deputy Director of Consolidation, Bhojpur, Arrah.
4. The Consolidation Officer, Dumraon (Buxar), District-Buxar.
5. Baijnath Singh Yadav, son of Garib Singh Yadav

6. Bharat Bahelia
7. Shatrughan Bahelia
Both sons of late Kapil Bahelia

8. Dwarika Bahelia
9. Khekhari Bahelia
10. Mural Bahelia
11. Saral Bahelia

Sons of late Thag Bahelia

Respondent nos.5 to 11 are residents of village-Dumraon, Police Station-Dumraon, District-Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Najmul Hoda
Mr. Arjun Prasad

For the Respondent no.5 : Mr. Nirmal Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

8 10-08-2015

This matter was heard earlier on 04.08.2015 and the Court had passed the following orders:-

“After having heard the parties for sometime, this Court finds that the present writ petition stood dismissed as against respondent nos.6 and 7 on account of non-compliance of the Court’s peremptory order dated 26.08.2002. Despite passage of more than 12 years, steps have not been taken by the petitioner for restoration of the writ petition as against respondent nos.6 and 7.

On examination of the records, this Court further finds that the present writ petition stood abated as against the heirs and legal representatives of the respondent no.8 who died prior to 05.05.2000. By the order dated 05.05.2000, counsel for the petitioner was granted time to take

steps for substitution of heirs of deceased respondent no.8. Unfortunately, despite passage of more than 15 years, no steps have been taken by the petitioner for substituting the heirs and legal representatives of the deceased respondent no.8. Therefore, the present writ petition stood abated with respect to deceased respondent no.8 and his heirs and legal representatives.

Now, it is pointed out by the learned counsel appearing on behalf of the respondent no.5 that the respondent no.5-Bajinath Singh Yadav has also died during the pendency of the present writ petition and steps have not been taken by the petitioner for substitution of his heirs and legal representatives, though both of them are/were residents of same village.

By way of last indulgence, this matter is adjourned and is ordered to be listed on 10th August, 2015 under the same heading. If by that time, steps are not taken by the petitioner for substituting the heirs and legal representatives of the deceased respondent no.5, then this Court will have no option but to dispose of the matter in view of the abatement/dismissal of the writ petition as against respondent nos.5 to 8.”

Learned counsel appearing on behalf of the petitioner submits that, despite his all efforts and communication made to the writ petitioner, he is not turning up for taking steps for substituting the heirs and legal representatives of the deceased respondent no.5 as also for taking steps for substituting the heirs and legal representatives of the deceased respondent no.8 who died long long ago and further for restoration of the writ petition as against respondent nos.6 and 7.

In above view of the matter, according to the learned counsel, the writ petition has become incompetent and cannot proceed further.

For the reasons recorded in the order dated

04.08.2015, particularly on account of abatement of writ petition as against respondent nos.5 and 8 and its dismissal as against respondent nos.6 and 7, the writ petition is hereby dismissed as it has become incompetent and cannot proceed further.

(Birendra Prasad Verma, J)

Arvind/-

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