

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.680 of 2014

In
Civil Writ Jurisdiction Case No. 8873 of 2013

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Rafi Ahmad S/O Late Md. Rafique Khan Resident Of Village AND P.O-
Muradabad, P.S- Sasaram, District- Rohtas.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Collector, Rohtas At Sasaram
2. The Circle Officer, Sasaram, District- Rohtas.
3. The Circle Inspector Sasaram, District- Rohtas.
4. The Circle Amin Sasaram, District- Rohtas.
5. Md. Washid Khan
6. Md. Rasid Khan
7. Alim Khan
8. Salim Khan
9. Lala Khan
10. Abid Khan
11. Naim Khan Sl No. 5 to 11 are sons Of Md. Nasim Khan
12. Marahum Khan
13. Bhakharu Khan Sl No. 12 and 13 Are Sons Of Late Sabir Khan All
Are Resident Of Village AND P.O- Muradabad, P.S- Sasaram, District-
Rohtas At Sasaram

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rameshwar Singh
For the Respondent/s : Mr. Kaushal Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 04-02-2015 Heard the parties.

This application seeks restoration of CWJC No. 8873 of
2013 by recall of the order dated 10.01.2014 which reads as
under:-

“Despite repeated calls nobody appears on
behalf of the petitioner to press this
application.

Counsel for the State as well as private
respondents are present.

Learned counsel for the private respondent states that a title suit respecting the land in question is already pending at the instance of the private respondents before the civil court. It is stated that the aforesaid facts have been suppressed by petitioner.

Be that as it may, since nobody has appeared on behalf of the petitioner to press this application, this Court is constrained to dismiss the application for non prosecution. I order accordingly.”

On query, the counsel for the petitioner is unable to dispute the fact that a title suit respecting the suit land is pending at the instance of the private respondents of the writ petition. Even if the application is allowed taking a lenient view of the matter, no relief can be granted to the petitioner. That apart, from the facts stated in the application, this Court is not satisfied that a case for recall of the said order has been made out.

The application is dismissed.

(Kishore Kumar Mandal, J)

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