

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13385 of 2007

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Parikshan Ram, son of late Doma Ram, resident of village-Bakharian, P.O.+
P.S.-Bhore (Dube Jigna), District-Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Chairman, Bhudan Yagya Committee,
Kadamkuan, Patna-4.
2. The Bhudan Office, Zila Mantri, Arer More, Gopalganj, District-
Gopalganj.
3. The District Magistrate, Gopalganj.
4. The Circle Officer, Bhore Block, District-Gopalganj.
5. Shalendra Sahay
6. Ajay Sahay

Both sons of Rama Nand Sahay, resident of village-Bakhari, P.O. and
P.S.-Bhore (Dube Jigna), P.S.-Bhore, District-Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent nos.5&6 : Mr. Sanjeet Kumar, Adv.
Mr.Raj Kamal, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

8 07-12-2015 From perusal of the office note dated 02.12.2015, it appears that, despite indulgence granted to the learned counsel for the petitioner by an order dated 19.05.2015, steps have not been taken for substituting the heirs and legal representatives of the sole writ petitioner.

The learned counsel appearing on behalf of the respondent nos.5 and 6, by referring to the averments made in para 6 of the counter affidavit filed on behalf of the aforesaid respondents, submits that the sole writ petitioner died on 06.07.2009 leaving behind his heirs and legal representatives. According to him, since the steps have not been taken for substitution within a reasonable period of time; therefore, the writ petition has abated and the whole writ petition is liable to be dismissed on that ground alone.

None appears on behalf of the petitioner to contest the submissions made by the learned counsel appearing on behalf of the respondent nos.5 and 6.

From perusal of the record, it appears that no rejoinder affidavit has been filed to the counter affidavit filed on behalf of the respondent nos.5 and 6 despite service of copy upon the learned counsel for the petitioner.

In above view of the matter particularly in view of the death of the sole writ petitioner in the year 2009, the writ petition has stood abated and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

Arvind/-

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