

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2282 of 2014

In

Civil Writ Jurisdiction Case No. 14873 of 2007

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Narendra Prasad Singh S/o Sri Ramashray Prasad Singh, resident of Village Wakwa, P.O. Wakwa, P.S. Bhadaur, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Water Resources and Development Department, Government of Bihar, Patna.
3. The Director, Land Acquisition and Rehabilitation, Water Resources Department, Sichai Bhawan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar, Advocate

For the Respondent/s : Mr. Ajay Kumar Sharma, PAAG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 07-01-2015 The present application has been filed on behalf of the petitioner seeking restoration of CWJC No. 14873 of 2007 which stood dismissed for want of prosecution by order dated 18.06.2014.

After having heard the parties and taking into consideration the materials on record, this Court is of the opinion that in stead of restoring CWJC No. 14873 of 2007 to its original file, interest of justice shall be subserved if the petitioner is granted liberty to file a fresh writ petition in the same subject matter after bringing on record all the subsequent developments, which might have taken place during the interregnum period, as the aforesaid writ petition was filed on 21.11.2007 and since then more than seven years have already elapsed. It is ordered accordingly.

If such a fresh writ petition is filed under the same subject matter on behalf of the petitioner in the manner indicated

above, the same shall be heard and decided on its own merit without being prejudiced by the order dated 18.06.2014 passed in CWJC No. 14873 of 2007. It further clarified that such a fresh writ petition shall not be dismissed on the ground of res judicata by taking a plea of the order dated 18.06.2014 passed in CWJC No. 14873 of 2007.

The present application stands finally disposed of with the observations/directions made above.

(Birendra Prasad Verma, J)

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