

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18886 of 2012

With

Interlocutory Application No. 8925 of 2014

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Jagdish Mandal Son of Ramphal Mandal, Resident of Village Mahua, P.S.
And Sub-Division Sadar, District - Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Darbhanga Division, Darbhanga
3. The Additional Collector, Darbhanga
4. The Deputy Collector Land Reforms , Sadar Darbhanga, District Darbhanga
5. Kapleshwar Mandal Son Of Late Khonu Mandal Resident of Village Mahua, P.S. And Sub-Division Sadar, District - Darbhanga
6. Siya Ram Mandal Son Of Late Balchan Mandal Resident of Village Mahua, P.S. And Sub-Division Sadar, District - Darbhanga
7. Dukhi Thakur Son Of Late Khokhai Thakur, Resident of Village Atihar-Dih, P.S. And Sub-Division Sadar, District Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abinash Kumar

For the Respondent/s : Mr. Nirbhay K.Singh, GP- 26

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 06-10-2015

Re.: Interlocutory Application No. 8925 of 2014

Heard the parties.

The instant interlocutory application has been filed on behalf of the heirs of the sole petitioner stating therein that during the pendency of the writ petition, the sole petitioner Jagdish Mandal died on 22.04.2014 leaving behind his heirs and legal representatives, fully detailed in paragraph-2 of the instant interlocutory application, who are, in fact, the applicants of the present interlocutory application. All the proposed heirs have entered appearance through their lawyer by filing a duly executed vakalatnama in his favour.

Learned counsel appearing on behalf of the respondents does not raise any objection to the aforesaid prayer for substitution.

In the aforesaid facts and circumstances, the prayer for substitution is allowed.

The instant Interlocutory Application thus stands finally

disposed of.

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With the consent of the parties, main writ petition has been taken up for consideration on merits.

After some argument, learned counsel appearing on behalf of the substituted petitioners seeks permission to withdraw the present writ petition with a liberty to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief(s) with respect to the lands under dispute, as also with respect to the order impugned in the present proceeding.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

The parties shall be at liberty to raise all the issues of facts and law before the learned Bihar Land Tribunal, Patna, which may be available to them.

If an appropriate petition is filed on behalf of the substituted petitioners before the learned Bihar Land Tribunal, Patna within a period of two months from today with a certified copy of the present order, and if it is found to have become barred by limitation and if any petition is filed on behalf of the substituted petitioners, for condonation of such delay, then the learned Bihar Land Tribunal, Patna shall take into consideration that on a bonafide legal advice, the present writ petition was filed before this Court on 05.10.2012 and that remained pending till date.

(Birendra Prasad Verma, J)

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