

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.580 of 2015

In

Civil Writ Jurisdiction Case No. 7792 of 2014

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Rahamat Ali Son of Md. Suleman, resident of Village - Parwaha, P.O. -
Andoli, P.S. - Parihar, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Sitamarhi.
3. Sub - Divisional Officer, Sitamarhi Sadar, District - Sitamarhi
4. The Circle Officer, Parihar, District - Sitamarhi
5. The Superintendent of Police, Sitamarhi
6. The Dy. S.P. Sitamarhi Sadar, Sitamarhi
7. The Officer - in - Charge, Parihar, District - Sitamarhi.

.... Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opp. Party/s : Mr. Manoj Kumar, AC to GA-10

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 26-08-2015 Heard the parties.

The present application has been filed on behalf of the petitioner seeking restoration of C.W.J.C. No. 7792 of 2014, which stood dismissed for want of prosecution by an order dated 29.01.2015.

After having heard the parties and taking into consideration the entire facts, this Court is of the opinion that instead of restoring C.W.J.C. No.7792 of 2014 to its original file, the interest of justice shall be sub-served 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. It is ordered accordingly.

If such a fresh writ petition is filed on behalf of the petitioner in the same subject matter within a period of one month

from today, then the same shall be heard and decided on its own merit without being prejudiced/ influenced by the dismissal of C.W.J.C. No. 7792 of 2014 and that shall not be dismissed on the ground of the principles of res judicata.

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

(Birendra Prasad Verma, J)

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