

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13007 of 1996

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1. Ram Swaroop Singh son of Late Bodh Narain Singh.
 2. Viveka Nand Singh son of Late Agin Singh, both residents of village Bishunpur Chakalala @ Baranti, Police station Rajapakar, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Additional Member, Board of Revenue, Bihar, Patna.
3. Additional Collector, Vaishali at Hajipur.
4. Land Reforms Deputy Collector, Hajipur (Vaishali).
5. Smt. Munakiya Devi wife of Shri Jaimangal Rai, resident of village Bishunpur Chaklala @ Baranti P.O. Bidupur R.S., P.S. Raja Pakar, District Vaishali.
6. Most. Rajkali Devi Wife of Late Ramekwal Singh.
7. Hipin Kumar Singh.
8. Dilip Kumar Singh
9. Mukesh Kumar Singh, all sons of Lte Ramekwal Singh.
10. Sangeeta Kumari, minor D/O Late Ramekwal Singh , under the guardianship of her mother Mostt. Rajkali Devi, All residents of Bishunpur Chaklala @ Baranti P.O. Bidupur R.S., P.S. Raja Pakar, District Vaishali.
11. Smt. Shiv Kumari Devi D/O Late Ramekwal Singh, W/O Shri Ranjit Kumar Singh, resident of villagte Sambhua, P.O. and P.S. Dalsingsarai, Distict Samastipur.
12. Ganga Bishun Rai
13. Nandlal Rai
14. Lagan Deo Rai
15. Laxman Rai
16. Lalan Prasad Rai, all sons of late Jai Mangal Rai, All residents of village Bishunpur Chaklala @ Baranti P.O. Bidupur R.S., P.S. Raja Pakar, District Vaishali.
17. Sumitra Devi D/O Late Jai Mangal Rai, W/O Late Raj Kumar Rai, resident of Village Arania, P.O. and P.S. Jandaha, District Samastipurt.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mahesh Prasad 2

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

10 01-09-2015

By order dated 16.04.2015 passed by a Bench of this Court, it was noticed that during the pendency of the writ petition the petitioner no.1 Ram Swaroop Singh as also some of the private respondents have passed away leaving behind their heirs and legal

representatives. On the request made by the learned counsel appearing on behalf of the petitioners, the matter was adjourned for six weeks enabling him to file substitution petition.

Unfortunately, despite indulgence granted by a Bench of this Court, steps for substitution has not been taken vice deceased petitioner no.1 as also vice deceased respondents, which is evident from the office note dated 28.08.2015.

The writ petition arises out of a proceeding under Section 16(3) of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.

In view of admitted death of petitioner no.1 and on account of non-substitution of his heirs and legal representatives despite indulgence granted by this Court, the present writ petition has become incompetent and the issues involved in the writ petition cannot be effectively decided, particularly in the background that the claim of pre-emption raised on behalf of the petitioners with respect to vended plots of lands has been rejected by all the three statutory authorities

Consequently, the writ petition as a whole is dismissed since it has become incompetent.

(Birendra Prasad Verma, J)

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