

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7650 of 1998

With
Interlocutory Application No. 5004 of 2015
And
Interlocutory Application No. 5870 of 2015
And
Interlocutory Application No. 6275 of 2015

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Shivani Devi daughter of late Parikshan Prasad Sahu and wife of Sri Ajit Kumar Sahu, resident of Sahu Pokhar in the town of Muzaffarpur, P.S.Muzaffarpur, District Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Collector, Land Reforms (West) Muzaffarpur
3. The Anchal Adhikari, Kurhani, District Muzaffarpur
4. Ram Briksh Singh son of Sri Khelawan Singh, resident of village Sonebarsa, P.S.Kurhani, Maniari, District Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma, Advocate
For the Respondent Nos. 1 to 3 : Mr. Rajiv Kumar Sinha, GP 2
For the Respondent no.4 : Mr.Madhav Roy, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

10 10-08-2015

Heard the parties.

The matter at issue is the order of mutation in favour of private respondent and cancellation of Jamabandi standing in the name of the petitioner with respect to the lands under dispute.

The writ petition was admitted way back for hearing on 17.01.2000.

Learned counsel appearing on behalf of the petitioner submits that, during pendency of the writ petition, the sole writ petitioner has passed away leaving behind her heirs and legal representatives. However, according to him, despite all communications made, the heirs and legal representatives of the deceased petitioner have not turned up for getting themselves

substituted in place of original writ petitioner and for prosecuting this litigation.

I.A.No. 5004 of 2015 has been filed on behalf of third party stating therein that during pendency of this writ petition, the sole petitioner has died but they claimed that they have purchased the land in question from her and therefore, they may be permitted to prosecute this writ petition.

I am afraid whether the purchase made by the aforesaid applicants of I.A.No. 5004 of 2015 is valid or not cannot be gone into in the present proceeding. This fact can be seen in an appropriate proceeding brought by them before the appropriate forum.

So far as the present matter is concerned, indisputably, the writ petitioner has died during the pendency of the writ petition leaving behind her heirs and legal representatives. No proceeding/litigation can proceed against or on behalf of a dead person. Admittedly, the heirs and legal representatives of the deceased petitioner have not filed any petition for their substitution in place of the original petitioner.

In above view of the matter, the writ petition has abated and is, accordingly, dismissed. I.A.No. 5004 of 2015 as also I.A.Nos. 5870 of 2015 and 6275 of 2015 stand disposed of accordingly.

(Birendra Prasad Verma, J)

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