

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11922 of 2009

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1. Sugriv Singh son of Late Devnandan Singh, resident of village Anwal, P.S. & P.O.Kopa, District Saran, Bihar
 2. Gangajali Devi wife of Sri Jang Bahadur Singh, daughter of Late Devnandan Singh, resident of village Baldiha, P.O.& P.S.Kopa, District Saran
 3. Smt.Kisoriya Devi wife of Prabhunath Singh, daughter of Late Devnandan Singh, resident of village Karudhauru, P.O. & P.S.Manjhi, District Saran
 4. Mahajani Devi wife of Sri Brij Lal Singh, daughter of Late Devnandan Singh, resident of village Ghorhat, P.O. Ghorhat, P.S.Manjhi, District Saran

.... Petitioner/s

Versus

1. The Commissioner, Saran Division, Chapra
2. The Additional Collector, Saran at Chapra
3. The Deputy Collector, Land Reforms, Saran at Chapra
4. Smt.Meena Devi wife of Chandrahansh Singh, resident of village Anwal, P.O. & P.S.Kopa, District Saran
5. Sona Devi wife of Jagarnath Singh, resident of village Anwal, P.O. & P.S.Kopa, District Saran
6. Jagarnath Singh son of Late Ram Sagar Singh, resident of village Anwal, P.O.& P.S. Kopa, District Saran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate
For the Respondent 1 to 3 : Mr. Rakesh Kumar Ranjan, AC to GA 12
For the Respondent No. 4 : M r. Maheshwar Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 18-08-2015

Heard the parties.

The petitioners are aggrieved by the order dated 21.07.2009 (Annexure-1) passed in Pre-emption Revision No. 220 of 2006/ 84 of 2007/216 of 2008 by the respondent Commissioner, Saran Division, Chapra, whereby the prayer for substitution by respondent no.4 herein in the aforesaid revision application with respect to the death of one Devnandan Singh, the sole pre-emptor, has been allowed and his heirs and legal representatives have been substituted in his place after condoning the delay.

Learned counsel appearing on behalf of the petitioners, who are substituted heirs of the aforesaid Devnandan Singh, submits that though opportunity of hearing was given to all parties before passing the impugned order dated 21.07.2009, but while allowing the prayer for substitution the respondent Commissioner has not set aside the order of abatement.

Admittedly, the petitioners were heard by the respondent Commissioner before passing the impugned order. The delay in filing substitution petition was condoned. Impliedly, the order of abatement was set aside by the respondent Commissioner and thereafter the prayer for substitution was allowed.

In above view of the matter, this Court finds no ground to interfere with the impugned order dated 21.07.2009 passed by the respondent Commissioner, Saran Division, Chapra.

Accordingly, the writ petition stands dismissed. The order of stay passed on 10.09.2009 by a Bench of this Court stands vacated.

(Birendra Prasad Verma, J)

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