

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14418 of 2010

With
Interlocutory Application No.1409 of 2015

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Sarwan Kumar Modi, S/O Late Nandlal Modi, R/O Mohalla- Bisatipati,
Panchmandir Road, Bisati Pati, P.S. Town, Distt-East Champaran, Motihari,
Shopkeeper, Photo Stat Shop, Civil Court Campus, Distt-East Champaran,
Motihari

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, East Champaran, Motihari
3. The Sub-Divisional Officer, East Champaran, Distt-Motihari
4. The Registrar General, Patna High Court Patna
5. The Registrar, Civil Court Motihari, Distt-East Champaran, Motihari

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar

For the Respondent nos.1to3: Mr. Rakesh Kumar Singh, AC to GP-3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 21-04-2015 The original writ petitioner Sarwan Kumar Modi is aggrieved by the communication/letter dated 16th June, 2010 (Annexure-4 to the writ petition) issued by the respondent no.5- the Registrar, Civil Court, Motihari, whereby his petition for issuance of fresh licence for a shop located in the Civil Court premises has been rejected.

During the pendency of the present writ petition, the sole writ petitioner Sarwan Kumar Modi is reported to have died on 30.10.2012. Therefore, I.A.No.1409 of 2015 has been filed purportedly on behalf of his heirs and legal representatives seeking their substitution in place of original writ petitioner.

Indisputably, on the date of issuance of the impugned communication, the original writ petitioner was not having any legal right with respect to any shop located in the Civil Court

camps at Motihari. Therefore, on the date of death of the sole writ petitioner, i.e., on 30.10.2012 his heirs and legal representatives cannot claim to have inherited any enforceable legal right, which can be said to have been accrued to the deceased writ petitioner.

In above view of the matter, this Court is of the opinion that right to sue does not survive after death of the sole writ petitioner in the factual matrixes of the present case. Therefore, the prayer for substitution made in I.A.No.1409 of 2015 cannot be allowed. In view of death of the sole petitioner way back on 30.10.2012, the present writ petition has abated and is, accordingly, dismissed. I.A.No.1409 of 2015 also stands accordingly rejected.

(Birendra Prasad Verma, J)

Arvind/-

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