

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1679 of 2014

In

Civil Writ Jurisdiction Case No. 12225 of 2008

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1. Shankar Prasad Sah
 2. Shambhu Prasad Sah
 3. Sanwar Sah
 4. Purushottam Sah
 5. Bharat Sah
 6. Visheshwar Sah
 7. Vishnu Sah , all sons of Late Ram Sevak Sah Resident of Gaunipur, P.O. and P.S. Singheshwar, District - Madhepura

.... Petitioner/s

Versus

1. The State of Bihar through the District Collector, Madhepura
2. The Director - Accounts, Administration and Self Employment, District Rural Development Authority, Madhepura
3. The Block Development Officer, Singheshwar, Madhepura
4. The Circle Officer, Singheshwar, Madhepura
5. Badri Kamat son of Late Shri Kamat
6. Dayanand Kamat
7. Devan Kamat
8. Param Lal Kamat
9. Manoj Kamat
10. Nadia Kamat, all sons of Shri Badri Kamat, resident of Gauripur, P.S. Singheshwar, Distt. - Madhepura

.... Opposite Parties/s

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Appearance :

For the Petitioner/s : Mr. S.D.Sanjay, Sr. Advocate
For the Opp.Parties/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 04-02-2015

Heard.

2. The petitioners have filed the present application seeking restoration of CWJC No. 12225 of 2008, which stood dismissed for want of prosecution by order dated 30.07.2013 passed by this Bench.

3. The aforesaid CWJC No. 12225 of 2008 was filed on 18.08.2008 and since then more than six years have already elapsed. All the subsequent developments which have/might have

taken place during the interregnum period have not been brought on the record.

4. In above view of the matter, this Court is of the opinion that in stead of restoring aforesaid CWJC No. 12225 of 2008 to its original file, the interest of justice shall be subserved if the petitioners are granted liberty to file a fresh writ petition in the same subject matter after bringing on record all the subsequent developments which have/might have taken place during the interregnum period. It is ordered accordingly.

5. If such a writ petition is filed on behalf of the petitioners within a period of two months from today, then the same shall be considered and decided on its own merit in accordance with law without being prejudiced by dismissal of CWJC No. 12225 of 2008, and that writ petition shall not be dismissed on the ground of principles of res-judicata.

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

(Birendra Prasad Verma, J)

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