

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14668 of 2007

With
Interlocutory Application No. 2397 of 2012

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Rajendar Prasad Kushwaha, Proprietor of M/S Kushwaha Enterprises, S/O Late Guru Dayal Mahto, resident of Chhoti Pahari, Ward No. 15, P.O. and P.S. Sohsarai, Town Biharsharif, District- Nalanda at Biharsharif.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chairman, Bihar Rajya Pool Nirman Nigam Ltd. 7, Sardar Patel Margh, Patna-800015.
3. The Managing Director, Bihar Rajya Pool Nirman Nigam Ltd., 7, Sardar Patel Margh, Patna 800015.
4. The Dy. Chief Engineer, Bihar Rajya Pool Nirman Nigam Ltd., 7, Sardar Patel Margh, Patna 800015.
5. Shri H.P. Choudhary, Senior Project Engineer, Works Division, Nalanda (Biharsharif), Bihar Rajya Pool Nirman Nigam Ltd., Kagji Muhgalla, Shiv Kung, Old Jail Road, P.S. and P.O. Bihar Sharif, Distt.- Nalanda at Biharsharif.
6. The District Magistrate, Nalanda, Biharsharif.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar

For the Respondent No.1 : Mr. Saroj Kr. Sharma, AC to AAG-5

For the Respondent No.2 to 6: Mr.Nadim Seraj

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 23-02-2015 Learned counsel appearing on behalf of the petitioner submits that during the pendency of the present writ petition, original writ petitioner died on 21.12.2011 leaving behind his heirs fully detailed in paragraph-2 of the I.A. No. 2397 of 2012, which is in the nature of substitution petition.

After having heard the parties for sometime, this Court finds that the right to sue does not survive with the death of the original writ petitioner. Therefore, there is no question of allowing the prayer for substitution made in the aforesaid I.A. No. 2397 of 2012. However, at this stage learned counsel appearing on behalf of the original writ petitioner, who is now dead, as also the

proposed heirs of the deceased petitioner, in presence of the learned counsel appearing on behalf of the respondents, seeks permission to withdraw the main writ petition with a liberty to the heirs of the deceased writ petitioner to approach the civil court of competent jurisdiction for grant of appropriate relief admissible to them under law.

Permission is accorded.

The present writ petition as also I.A. No. 2397 of 2012 stand disposed of as withdrawn with the liberty aforesaid.

(Birendra Prasad Verma, J)

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