

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1175 of 2005

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Shamsuddin Mian, son of Ramjan Mian, resident of mohalla-Chamar Toli,
Sherghaty, P.S.-Sherghaty, District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Superintendent of Survey, Gaya.
3. Assistant Superintendent of Survey, Gaya.
4. Anaul Haque
5. Serajuddin

Both are sons of Jahoor Mian, resident of Mohalla Chamar Toli, Sherghaty,
P.S.-Sherghaty, District-Gaya.

6. Ahamad Hussain, son of late Baxi Mian
7. Farooq Mian, son of Chhedi Mian
8. Badruddin Mian, son of Ramjan Mian

All are resident of Mohalla-Chamar Toli, Sherghaty, P.S.-Sherghaty,
District-Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pandey

For the Respondent nos.1to3: Mr. Manoj Kumar Yadav, AC to SC-27

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 21-04-2015 By an order dated 12.09.2014 passed by a Bench of this Court, it was noticed that the sole petitioner has passed away during the pendency of the present writ petition. However, on the request made by the learned counsel, the matter was adjourned for four weeks enabling him to file a substitution petition on behalf of the heirs and legal representatives of the sole deceased petitioner seeking their substitution in place of original writ petitioner. The aforesaid order dated 12.09.2014 was not complied with.

Hence, the matter was listed once again on 10.10.2014. Again, on that date, on the request of learned counsel, the matter was adjourned for two weeks enabling him to file a substitution petition. By the office note dated 20.04.2015, it has been reported that the substitution petition has not been filed till date.

Learned counsel appearing on behalf of the petitioner, who is present in Court, has not disputed the aforesaid office note.

In above view of the matter, the writ petition has to be held to have abated on the ground of death of the sole writ petitioner and is, accordingly, dismissed.

Arvind/-

(Birendra Prasad Verma, J)

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