

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1633 of 2015

In

Civil Writ Jurisdiction Case No. 1304 of 2014

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Dinesh Kumar son of Sri Sitaram Rajak, Resident of Village- Ramana, P.O. Lemaubigh, P.S.Paraiya, Distt. Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Home (Police) Deptt., Bihar, Patna.
3. The Commandant, Bishesh Gan, Bihar Home Guard, Bihta, Patna.

.... Opp.Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpa Sinha

For the Opp. Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 02-09-2015

Heard the parties.

The present application has been filed on behalf of the petitioner seeking restoration of C.W.J.C. No. 1304 of 2014, which stood dismissed for want of prosecution by an order dated 11.08.2014.

In view of nature of claims raised on behalf of the petitioner this Court is of the opinion that instead of restoring the aforesaid C.W.J.C. No. 1304 of 2014 to its original file, the interest of justice shall be sub-served if the petitioner is granted liberty to file a fresh writ petition in the same subject matter after bringing on record all the subsequent developments, which might have taken place during the interregnum period. It is ordered accordingly.

If such a fresh writ petition is filed on behalf of the petitioner in the same subject matter within a period of one month, then the same shall be heard and decided on its own merit without being prejudiced/ influenced by the order dated 11.08.2014 passed

in C.W.J.C. No. 1304 of 2014 and that shall not be dismissed on the ground of the principles of res judicata.

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

(Birendra Prasad Verma, J)

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