

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2144 of 2015

In

Civil Writ Jurisdiction Case No. 12878 of 2010

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Md. Iftakhar Ahmad son of Md.Noorul Hoda, resident of Mohall Chanpura
Jail Road, Police Station Mithanpura, District Muzaffarpur

.... Petitioner/s

Versus

1. The Bihar State Housing Board through its Managing Director, Patna
2. The Managing Director, having office at Bihar State Housing Board, Patna
3. The Secretary, Bihar State Housing Board having office at Patna
4. The Executive Engineer, Muzaffarpur Division, Housing Board, Patna

.... Opposite Parties/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

For the Opp.Parties/s : Mr. Anil Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-09-2015

Heard the parties.

The present MJC application has been filed on behalf of the petitioner for restoration of CWJC No. 12878 of 2010 which stood dismissed for want of prosecution by order dated 09.03.2015.

In view of the nature of claims raised on behalf of the petitioner and in view of passage of more than five years since date of filing of aforesaid CWJC No. 12878 of 2010 on 09.08.2010 and further in view of the reasons recorded in the order dated 09.03.2015, this Court is of the opinion that instead of restoring the main writ petition, the interest of justice shall be subserved 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/orders which might have taken place/might have been passed during the interregnum period. It is ordered accordingly.

If such a writ petition is filed on behalf of the petitioner within a period of one month from today, the same shall be considered and decided on its own merits without being prejudiced by order dated 09.03.2015 passed in CWJC No. 12878 of 2010 and it shall not be dismissed on the principles of res judicata.

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

(Birendra Prasad Verma, J)

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