

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4221 of 2013

In
Civil Writ Jurisdiction Case No. 9803 of 2005

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Rajendra Chaudhary S/O Late Chandradeep Narayan Choudhary, R/O
Mohalla Gola Bazar, Buxar, P.S Buxar, Town, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Buxar.
2. Collector, Buxar.
3. Additional Collector, Buxar.
4. Circle Officer, Buxar.

... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
For the Respondent/s : Mr. Ajay Kumar Sharma, AC to PAAG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 04-02-2015

Heard the parties.

2. The petitioner has filed the present application seeking restoration of CWJC No. 9803 of 2005, which stood dismissed for want of prosecution by order dated 05.08.2013 passed by this Bench.

3. The aforesaid CWJC No. 9803 of 2005 was filed on 09.08.2005 and since then more than nine 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. 9803 of 2005 to its original file, 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 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 petitioner 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. 9803 of 2005, 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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