

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5397 of 2013

In

Civil Writ Jurisdiction Case No. 15787 of 2008

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Arjun Sao son of late Baijnath Sao, resident of Village- Dubhal, P.S. Imamganj, Distrit-Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. The Joint Director, Consolidation, Magadh Division, Gaya.
3. The Consolidation Officer, Imamganj, Gaya.
4. The Consolidation Officer, Imamganj, Gaya.
5. The Anchal Amin, Imamganj, Gaya
6. Devendra Mahto
7. Santan Mahto
8. Binod Mahto, sons of Late Prayag Mahto
9. Ashok Mahto, son of late Ram Pramod Mahto and Grand son of late Prayag Mahto.

All residents of Village- Dubhal, P.S.- Imamganj, District Gaya

.... Opp. Party/s

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Appearance :

For the Petitioner/s : Ms. Sushmita Mishra

For the Opp. Party No. 1 to 5:Mr. Nalin Vilochan Tiwary, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 01-07-2015 Heard the parties.

The petitioner has filed the present application seeking restoration of C.W.J.C. No. 15787 of 2008, which stood dismissed for want of prosecution by an order dated 01.08.2013.

In the given facts of the present case, this Court is of the opinion that instead of restoring the aforesaid C.W.J.C. 15787 of 2008 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, if any, 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 four weeks

from today with a certified copy of the present order, then the same shall be considered and decided on its own merit and that shall not be dismissed on the ground of the principles of res judicata in view of dismissal of C.W.J.C. No. 15787 of 2008 by aforesaid order dated 01.08.2013.

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

(Birendra Prasad Verma, J)

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