

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13577 of 2013

With

Interlocutory Application No. 8848 of 2015

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Liliya Devi wife of Late Bhola Rai, resident of village Chak Haidar,
P.S.Tajpur, District Samastipur, at present at Village Bishambharpur Elloth,
P.S. Musarigharari, District Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Samastipur, District Samastipur
3. Yogendra Rai son of Late Bhola Rai, resident of village Chak Haidar, P.S.Tajpur, District Samastipur
4. Smt.Shanti Devi wife of Yogendra Rai, resident of village Chak Haidar, P.S.Tajpur, District Samastipur, at present residing at village Bishambharpur Elloth, P.S.Musarigharari, District Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar No.-1, Advocate

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 26-11-2015

Re: I.A.No. 8848 of 2015

The present Interlocutory Application has been filed on behalf of the petitioner stating therein that, during pendency of the writ petition, the respondent no.3 Yogendra Rai died on 26.06.2015 leaving behind his heirs and legal representatives, fully detailed in paragraph 1 of the instant Interlocutory Application.

Despite issuance of show cause notice, none is appearing on behalf of the respondents to oppose the prayer for substitution made in the present Interlocutory Application.

In the aforesaid facts and circumstances, the prayer for substitution is allowed. Let the name of the respondent no.3 be expunged from the array of the parties in the main writ petition and be substituted by his heirs and legal representatives, fully detailed in paragraph 1 of the instant Interlocutory Application excepting 1(A) Shanti Devi, who is already on record as

respondent no.4.

The present Interlocutory Application stands finally disposed of.

Re: CWJC No. 13577 of 2013

After some argument, the learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present writ petition with a liberty to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief (s) with respect to the lands under dispute, as also with respect to the order impugned in the present proceeding.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

The parties shall be at liberty to raise all the issues of facts and law before the learned Bihar Land Tribunal, Patna, which may be available to them.

If an appropriate petition is filed on behalf of the petitioner before the learned Bihar Land Tribunal, Patna within a period of six weeks from today with a certified copy of the present order and if it is found to have become barred by limitation and if any petition is filed on behalf of the petitioner for condonation of such delay, then the learned Bihar Land Tribunal, Patna shall take into consideration that on a bona fide legal advice, the present writ petition was filed before this Court on 16.07.2013 and that remained pending till date.

(Birendra Prasad Verma, J)

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