

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4101 of 2011**

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Ram Sevak Mishra @ Ram Sevak Das, S/O Late Ghoghan Mishra, R/O  
Vill.- Mahuar, P.S.- Ghanshyampur, Distt.- Darbhanga

.... .... Petitioner/s

Versus

1. The State of Bihar
  2. The District Collector, Darbhanga
  3. The Sub-Divisional Officer, Biraul, Distt.- Darbhanga
  4. The Circle Officer, Gaura Bauram, Distt.- Darbhanga
  5. The Senior Superintendent of Police, Darbhanga
  6. The Deputy Superintendent of Police, Biraul, Distt.- Darbhanga
  7. The Officer-In-Charge, Police Station Ghanshyampur, Distt.- Darbhanga
  8. Dhaneshwar Jha, S/O Late Harish Chandra Jha,
  9. Babu Narayan Jha, S/O Late Thakko Jha
- Both R/O Vill.- Mahuar, P.S.- Ghanshyampur, Distt.- Darbhanga

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : None

For the Respondent nos.1to7: Mr. Tripurari Nath Ambasta, AC to GP-14

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

3      04-05-2015      Despite repeated calls, none appears on behalf of the petitioner in support of the present writ petition.

Learned AC to GP-14 appearing on behalf of the respondent nos. 1 to 7 submits that the present writ petition is barred by the principles of res judicata. By referring to the averments made in the counter affidavit filed on behalf of the respondent no.2 particularly in paragraph 4(b), he submits that for the same relief the petitioner had moved earlier before this Court in CWJC No.14634 of 2005, which was dismissed by a Bench of this Court by the order dated 30.03.2006 (Annexure-7 to the writ petition). A copy of the aforesaid counter affidavit was served upon the learned counsel appearing on behalf of the petitioner way back on 21.10.2011, but till date no rejoinder affidavit has been

filed on behalf of the petitioner controverting the averments made in the aforesaid counter affidavit filed on behalf of the respondent no.2.

In above view of the matter, this Court is left with no option but to accept the averments made in the aforesaid counter affidavit filed on behalf of the respondent no.2.

For the reasons recorded above, the writ petition has to fail on the ground that the claims raised on behalf of the petitioner in the present writ petition are barred by the principles of res judicata. The writ petition is, accordingly, dismissed. However, the parties are left to bear their own costs.

**(Birendra Prasad Verma, J)**

Arvind/-

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