

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4366 of 2011

With
Interlocutory Application No. 2671 of 2015

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Raj Kishore Choudhary Son Of Late Parmeshwari Choudhary, resident of Village-Rahimpur, Naya Tola, P.S. Alauli, District-Khagaria, at Present resides at Jai Prakash Nagar, Ward No. 22, P.S. & Distt.-Khagaria

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Khagaria
3. Addl. Collector, Khagaria
4. Anchal Adhikari, Khagaria, Distt.-Khagaria
5. Vidya Nand Choudhary son of Late Mantri Choudhary, resident of Village-Rahimpur, Naya Tola, P.S. Alauli, District-Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate
For the Respondent/s : Mr. N.K.Singh GP 26

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 07-05-2015

Re: **I.A.No. 2671 of 2015**

The instant Interlocutory Application has been filed purportedly on behalf of the heirs and legal representatives of sole writ petitioner Raj Kishore Choudhary, who is said to have died on 14th May, 2014 leaving behind his aforesaid heirs and legal representatives, fully detailed in paragraph 1 of the present Interlocutory Application.

Learned counsel submits that all the proposed heirs have entered appearance by filing their duly executed vakalatnama. Therefore, according to him, proposed heirs may be substituted in place of the original writ petitioner and they may be permitted to prosecute the present case.

After having heard the parties, the prayer for substitution is allowed. The name of original writ petitioner is

directed to be expunged from the cause title of the writ petition and he shall be substituted by his heirs and legal representatives, fully detailed in paragraph 1 of the Instant Interlocutory Application.

I.A.No. 2671 of 2015 thus stands disposed of.

Re: **CWJC No. 4366 of 2011**

The petitioner has filed the present writ petition for quashing the letter/communication dated 18.12.2010 (Annexure-7) issued by the District Magistrate, Khagaria to Additional Collector, Khagaria.

By the aforesaid letter/communication, the respondent District Magistrate directed that for taking measurement of the land in question the presence of Anchal Amin, Khagaria is must and only thereafter land should be measured.

After having heard the parties, this Court finds no good ground to interfere with the impugned letter/communication. This writ petition is completely misconceived and it is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

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