

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8268 of 2013

Dr. Vidyanand Kumar, Son of Late Mukteshwar Singh, Resident of Mohalla -
Hanuman Nagar, P.O. Lohiya Nagar, P.S. Kankarbagh, District - Patna

... Petitioner

Versus

1. The State Of Bihar
2. The Secretary, Road Construction Department, Patna
3. The Chief Executive Officer Cum D.D.C. Patna District Board, Patna
4. The Collector, Patna
5. The Land Acquisition Officer, Patna
6. The Under Secretary, Land Acquisition Directorate, Revenue and Land Reforms
Department, Patna
7. The Senior Project Engineer, Bihar Rajya Pul Nirman Nigam Ltd., Patna

.... Respondents

Appearance :

For the Petitioner : Mr. Rajeev Verma, Sr. Adv.
For the Respondents : Mr. Roy Shivaji Nath, AAG 3
Mr. Amrendra Puri, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-02-2015

The writ petition was filed by Dr. Vidyanand Kumar, a learned advocate of this Court, in public interest. Several orders have been passed over the past two years. Unfortunately, Shri Kumar died on 29.12.2014. Since it is a Public Interest Litigation, the concept of bringing in his legal representatives does not exist. Learned counsel for the petitioner relies upon the judgment of the Supreme Court in

the case of Pragati Mahila Mandal Versus Municipal Council, NANDED And Others¹ wherein the High Court treated the counsel for the petitioner in a Public Interest Litigation as *amicus curiae* noticing that the sole petitioner died, the Hon'ble Supreme Court approved of that. However, in the instant case, several important questions of fact and law arise and we do not intend to burden the learned counsel with such an obligation. In case any other public spirited person intends to pursue the cause, which the petitioner started, we can certainly entertain the same without hesitation.

We, therefore, close the writ petition as abated on account of the death of the sole petitioner. We make it clear that the same cause can be pursued by any public spirited citizen.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

K.C.jha/-
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1. (2011) 3 SCC 464