

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.210 of 2016

In

Civil Writ Jurisdiction Case No. 5663 of 2012

=====

Ram Chandra Yadav son of Late Sudarshan Yadav, resident of Village -
Tola Belwaripatti (Thakaraha) Post Office/Police Station - Thakaraha
District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, West Champaran Post Office/Police Station - Bettiah, District - West Champaran.
2. The Additional Collector, West Champaran Post Office/Police Station - Bettiah, District - West Champaran.
3. The Deputy Collector, Land Reforms, Bagaha West Champaran Post Office/Police Station - Bagaha District - West Champaran.
4. Anchal Adhikari, Thakaraha, Post Office/Police Station - Thakaraha District - West Champaran.
5. Sitaram Yadav @ Sita Yadav son of late Lagan Yadav, resident of Village - Tola Belwaripatti (Thakaraha) Post Office/Police Station - Thakaraha District - West Champaran.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s :

Ms. Sushmita Mishra, Advocate

For the Opp.Party nos. 1 to 4 : Mr. A.K. Sinha, GA 9

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 30-03-2016

Heard the parties.

2. The present MJC application has been filed on behalf of the original writ petitioner no.1 seeking modification of the order dated 21.09.2015 passed in CWJC No.5663 of 2012 by which the aforesaid writ petition filed on behalf of the writ petitioner no.1 Ram Chandra Yadav and the writ petitioner no.2 Kashi Yadav was disposed of with liberty to the writ petitioners to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief (s) with respect to the lands under dispute.

3. The learned counsel appearing on behalf of the petitioner submits that, in fact, writ petitioner no.2 Kashi Yadav had passed away on 28.01.2014 leaving behind his heirs and legal



representatives, fully detailed in paragraph 8 of the present MJC application. According to the learned counsel, information was given to the previous counsel about the death of petitioner no.2, but despite instruction given, appropriate petition seeking substitution of the writ petitioner no.2 was not filed and the matter was finally disposed of by the aforesaid order dated 21.09.2015. It is contended that no petition can be filed on behalf of the dead person before the learned Bihar Land Tribunal, Patna. Hence, the order may be appropriately modified.

4. Taking into consideration the fact that both the writ petitioners were directed to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief (s) with respect to the issues raised in the writ petition and further taking into consideration the fact that the writ petitioner no.2 Kashi Yadav had already died on 28.01.2014 before passing the final order dated 21.09.2015, therefore, no petition can be filed on his behalf before the learned Bihar Land Tribunal, Patna in spite of the aforesaid order dated 21.09.2015, the present MJC application filed for modification of the order dated 21.09.2015 passed in CWJC No. 5663 of 2012 is allowed, and aforesaid order dated 21.09.2015 is modified only to the extent that if a petition is filed before the learned Bihar Land Tribunal, Patna on behalf of the heirs and legal representatives of the deceased writ petitioner no.2 Kashi Yadav, besides petitioner no.1, for grant of appropriate relief, the same shall be entertained and shall be considered and decided in the light of the aforesaid order dated 21.09.2015 passed in CWJC No. 5663 of 2012. If an appropriate petition has already been filed in the light of the aforesaid order dated 21.09.2015 by the heirs and legal representatives of the deceased

writ petitioner no.2, then the learned Bihar Land Tribunal, Patna is directed to entertain such petition and decide the same on its own merits.

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

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--