

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7819 of 2014

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Mundrika Singh Yadav Son of late Sukhu Singh R/o Mohalla Ward No.6, Purani Sahar, Daudnagar, P.S- Daudnagar, District- Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate Cum Collector, Aurangabad (Bihar)
3. The Survey Settlement Officer Survey Office, Gaya.
4. The Assistant Survey Settlement officer, Survey, Office, Gaya.
5. The Anchal Adhikari, Daudnagar, Aurangabad, Bihar
6. The Executive Officer, Nagar Panchayat Daudnagar, Aurangabad, Bihar
7. Dewarika Singh S/o Late Sukhu Singh Yadav
8. Deb Narayan Singh S/o Late Sukhu Singh Yadav
9. Deb Charan Singh S/o Late Sukhu Singh Yadav
All R/o Village Mohalla- Ward no. 6, Purani Sahar Daudnagar, P.S- Daudnagar, District- Aurangabad, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Aditya Nath Jha, AC to SC 18

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 22-11-2016

Learned counsel for the petitioner is not present.

However, the Court has been informed that Mr. Anil Kumar Singh No. 6, learned counsel, who is the Advocate-on-Record, has become a Government Counsel and, thus, shall not be appearing in the present case. No fresh power has been filed in the present case. The name of Mr. Anil Kumar Singh No. 6 also appears on the cause list. Thus, propriety required that Mr. Anil Kumar Singh No. 6, learned counsel

should have been present in Court to inform such development. Besides being a discourtesy, it is also breach of the terms of the *Vakalatnama* by learned counsel, as he has left the case in the lurch, though having responsibility to ensure that no adverse consequence affected the case of the petitioner, from whom he has accepted power.

From the records, it transpires that one Mr. Ranjit Kumar, Advocate has filed I.A. No. 8977 of 2016 seeking substitution of the sole petitioner, who is said to have died. Besides Mr. Ranjit Kumar having no power in the case, even proposed heirs of the sole petitioner have not filed any power authorizing him to conduct this case on their behalf.

In view of the aforesaid, the Court has no hesitation to hold that the writ petition is unfit to proceed. Accordingly, the same stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	NAFR
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