

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1723 of 2016

In

Civil Writ Jurisdiction Case No.14118 of 2006

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1. Ram Ayodhya Bhagat
2. Ram Shrestha Bhagat
Both resident of village-Piprahi, P.S.-Piprahi, District-Sheohar
..... Petitioner/s

Versus

1. The State of Bihar through Collector, Sheohar
2. Additional Collector, Sheohar
3. Registrar, Registry Office, Sheohar, District-Sheohar.
4. Nagendra Updhayay, son of Brahmanand Updhayay, resident of village-Rajpur Kewalpura, P.S.-Pakri Dayal, District-East Champaran.
5. Ram Narayan Tiwary, son of Ramakant Tiwary, resident of village-Rajpur Kewalpura, P.S.-Pakari Dayal, District-East Champaran.
6. Smt. Madan Kumari Devi, wife of Nawal Kishore Upadhayay, resident of village-Marpa Kanwal, P.S.-Pakari Dayal, District-East Champaran at present residing at Babhan Toli, P.S. and District-Sheohar.
7. Rameshwary Tiwary, son of late Rup Narayan Tiwary, resident of village and P.S.-Piprahi, District-Sheohar.
8. The Additional Member of Board of Revenue, Bihar, Patna.
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhinay Raj, Adv.
For the Opposite Party/s : Mr. Arun Kumar Sinha, AC to GP-24

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 26-10-2016

Heard.

The writ petitioners have filed the present MJC application seeking restoration of CWJC No.14118 of 2006, which stood dismissed for want of prosecution by an order dated 08.03.2016. While the aforesaid order dated 08.03.2016 was passed, the submissions made by the learned State counsel were recorded that the aforesaid writ petition suffers from non-joinder of the necessary parties.

The aforesaid CWJC No. 14118 of 2006 was filed on 20.11.2006 and since then almost 10 years have already elapsed, but all the subsequent developments, which might have taken

place during the interregnum period, have not been brought on record.

In above view of the matter, this Court is of the opinion that, instead of restoring the aforesaid CWJC No. 14118 of 2006 to its original file, the interest of justice shall be subserved, if the petitioners are granted liberty to file a fresh writ petition in the same subject matter, after bringing on record all the subsequent developments, which might have taken place during the interregnum period as also after impleading all the necessary parties. It is ordered accordingly.

If such a fresh writ petition is filed on behalf of the petitioners within a period of two months from today with a certified copy of the present order, then the same shall be considered and decided on its own merits, without being prejudiced/influenced by dismissal of CWJC No. 14118 of 2006 for want of prosecution by an order dated 08.03.2016 and that writ petition shall not be dismissed on the ground of principles of res judicata.

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

Arvind/-

(Birendra Prasad Verma, J)

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