

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4326 of 2012

With
Interlocutory Application No. 1765 of 2013

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Pango Chuni-hara Son Of Late Mulhai Chuni-hara, Resident Of Village -
Gopalpur, P.S.- Industrial, P.S. Burari, District- Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Bhagalpur
3. The Land Reform Deputy Collector, Bhagalpur Sadar, Bhagalpur
4. The Circle Officer, Sabour, District - Bhagalpur
5. Bishundeo Das Son Of Late Changuri Chuni-hara Resident Of Village -
Gopalpur, P.S.- Industrial , P.S. Barari, District- Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha
For the Respondent No.1 to 4 : Mr. Rajesh Kumar, AC to G.P. 28
For the Respondent No. 5 : Mr. P.K. Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 07-04-2016

Re.: Interlocutory Application No. 1765 of 2013

Heard the parties.

The instant interlocutory application has been filed purportedly on behalf of the heirs and legal representatives of the sole deceased petitioner- Pango Chuni-hara stating therein that the sole writ petitioner died on 18.12.2012 leaving behind his heirs and legal representatives, fully detailed in paragraph-4 of the instant interlocutory application.

The learned counsel appearing on behalf of the petitioner submits that despite death of the sole petitioner, right to sue survives and the interest of justice demands that the prayer for substitution made in the instant interlocutory application may be allowed. He further submits that all the heirs and legal representatives of the deceased writ petitioner have entered appearance through their lawyer by filing their duly executed

vakalatnama on 06.04.2016. A photocopy of such vakalatnama is being filed for perusal of the Court. Let the aforesaid photocopy of the vakalatnama be kept on record.

The learned counsel, appearing on behalf of the respondents, do not raise any objection to the prayer for substitution made in the present interlocutory application.

In above view of the matter, the prayer for substitution is allowed. Let the name of the deceased sole writ petitioner be expunged from the array of the parties of the main writ petition and be substituted by his heirs and legal representatives, fully detailed in paragraph-4 of the present interlocutory application, who all have entered appearance through their lawyer.

The instant Interlocutory Application thus stands finally disposed of.

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On the request of the parties, main writ petition has been taken up for consideration on merits.

After some argument, the learned counsel appearing on behalf of the substituted petitioners, in presence of the learned counsel appearing on behalf of the respondents, seeks permission to withdraw the present writ petition with a liberty to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief(s) with respect to the lands under dispute, as also with respect to the order impugned in the present proceeding.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

The parties shall be at liberty to raise all the issues of facts and law before the learned Bihar Land Tribunal, Patna,

which may be available to them.

If an appropriate petition is filed on behalf of the substituted writ petitioners before the learned Bihar Land Tribunal, Patna within a period of eight weeks from today with a certified copy of the present order, and if it is found to have become barred by limitation and if any petition is filed on behalf of the substituted writ petitioners, for condonation of such delay, then the learned Bihar Land Tribunal, Patna shall take into consideration that on a bonafide legal advice, the present writ petition was filed before this Court on 02.03.2012 and that remained pending till date.

(Birendra Prasad Verma, J)

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