

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10119 of 2010

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Baishakhi Mandal S/O Late Chhedi Mandal R/O Vill Lachhmania Tola
Kadwa, P.S.Naugachhia (Dholbajja), Distt-Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Additional Member, Board of Revenue Bihar, Patna
3. The Collector Bhagalpur
4. The Deputy Collector Land Reforms at Naugachhia within the District Bhagalpur
5. Smt. Savitri Devi W/O Shri Mangal Mandal R/O Vill Dholbajja Gariya, P.S.Naugachhia (Dholbajja), Distt-Bhagalpur
6. Smt. Dharni Devi W/O Shri Shiv Charan Mandal R/O Vill Kadwa Tola Lachhmania, P.S.Naugachhia (Dholbajja), Distt-Bhagalpur
7. Shri Ganesh Mandal S/O Late Babu Sita Ram Mandal R/O Vill Lokmanpur Tola Kadwa, P.S.Naugachhia (Dholbajja), Distt-Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Prasad Ambastha, Advocate

For the Respondent Nos. 1 to 4 : Mr. M.K.Upadhyay, AC to GP 10

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 19-04-2016

Perused the office note dated 18.04.2016.

After some argument, the learned counsel appearing on behalf of the petitioner, 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The writ petition stands disposed of as withdrawn with the liberty aforesaid.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 petitioner before the learned Bihar Land Tribunal, Patna within a period of two months 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 petitioner for condonation of such delay, then the learned Bihar Land Tribunal, Patna shall take into consideration that on a bona fide legal advice, the present writ petition was filed before this Court on 01.07.2010 and that remained pending till date.

It is clarified that if any of the parties have passed away during the pendency of the present writ petition, then his/her heirs and legal representatives shall be impleaded as party respondent (s) in the petition filed before the learned Bihar Land Tribunal, Patna and it shall be construed that such deceased person (s) has been substituted by the order of this Court.

(Birendra Prasad Verma, J)

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