

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17810 of 2010

With
Interlocutory Application No. 735 of 2016

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Ram Nath Yadav S/O Late Mukhlal Bhagat @ Mukhlala Yadav R/O West
Lohanipur, P.O. And P.S.- Kadam Kuan, District.- Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Land Revenue, Govt. of Bihar, Patna
2. The Collector, District.- Patna
3. The Additional Collector, District.- Patna
4. The Deputy Collector, Land Reforms, Patna Sadar, District.- Patna
5. The Circle Officer, Patna Sadar, District.- Patna
6. Dayanand Singh, son of Late Raja Ram Singh , resident of Lalji Tola, P.S.- Gandhi Maidan, P.O.- G.P.O., District.- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ray Saurabh Nath
For the Respondent No.1 to 5 : Md. Obaidullah, AC to SC-4.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 28-01-2016

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Heard the parties.

The instant interlocutory application has been filed purportedly on behalf of the heirs and legal representatives of the sole petitioner- Ram Nath Yadav stating therein that sole petitioner died on 02.11.2013 leaving behind his heirs and legal representatives, fully detailed in paragraph-2 of the instant interlocutory application.

The learned counsel appearing on behalf of the petitioner submits that all the proposed heirs of the deceased sole petitioner are major and they all have entered appearance through their learned counsel by filing their duly executed Vakalatnama .

The present interlocutory application further discloses

the fact that the respondent no.6- Daya Nand Singh has also passed away during the pendency of the main writ petition on 10.01.2014 leaving behind his heirs and legal representatives, fully detailed in paragraph-3 & 4 of the instant interlocutory application.

The learned AC to SC-4 appearing on behalf of the respondent no. 1 to 5 does 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 as also deceased respondent no.6 be expunged from the array of the parties of the main writ petition and be substituted by their heirs and legal representatives, fully detailed in paragraph-2 and paragraph-3 as also paragraph-4 respectively of the present interlocutory application.

The instant Interlocutory Application thus stands finally disposed of.

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With the consent 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 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 petitioners 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 substituted 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 27.10.2010 and that remained pending till date.

(Birendra Prasad Verma, J)

BTiwary/Brajesh-III

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