

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15291 of 2009**

**With**  
**Interlocutory Application No. 4716 of 2015**

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1. Ram Raji Mahto son of Late Sundar Mahto, resident of village Mahthi Tola Alampur, Police Station Bibhutipur, District Smastipur (**Expunged vide order dated 26.11.2015 and substituted by his following heirs and legal representatives**)

(i) Chhathia Devi W/O Late Ram Raji Mahto

(ii) Naresh Mahto @ Naresh Kumar

(iii) Krishna Deo Mahto @ Krishna Kumar

(iv) Dharamveer Mahto @ Dharmveer Kumar

Petitioner nos. (ii) to (iv) are sons of Late Ram Raji Mahto, all residents of Village- Tola Paharpur, Mauze Alampur, P.S.- Bibhutipur, District- Samastipu

.... .... Petitioner/s

Versus

1. The State of Bihar through the Collector Samastipur

2. The Additional Collector Samastipur

3. The Land Reforms Deputy Collector Rosera, Samastipur

4. The Circle Officer Bibhutipur, Distt. Samastipur

5. Ram Lakhan Mahto S/O Palat Mahto Vill- Makthi Tola, Alampur,  
P.S. Bibhutipur, Distt. Samastipur

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rana Sanjay Kr.Singh, Advocate

For the Respondent Nos. 1 to 4: Mr.Anjani Kumar, AAG 6

Mr.Sanjay Kumar, AC to AAG6

For the Respondent no.5 : Mr.Rishit Deo Kr.Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

6      11-02-2016

**Re: I.A.No. 4716 of 2015**

The present Interlocutory Application has been filed purportedly on behalf of the substituted petitioners stating therein that, during the pendency of the writ petition, the respondent no.5 Ram Lakhan Mahto has passed away on 28.12.2012 leaving behind his heirs and legal representatives, fully detailed in paragraph 3 of the supplementary affidavit to the instant Interlocutory Application.

By order dated 26.11.2015 show cause notice was issued to the proposed heirs of deceased respondent no.5. In response to the aforesaid notice, some of the proposed heirs have appeared through their counsel by filing their duly executed vakalatnama.

The learned counsel appearing on behalf of the aforesaid proposed heirs of the deceased respondent no.5 does not raise any objection to the prayer for substitution made in the instant Interlocutory Application.

In above view of the matter, the prayer for substitution is allowed.

Let the name of deceased respondent no.5 Ram Lakhan Mahto 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 3 of the supplementary affidavit to the present Interlocutory Application.

The present Interlocutory Application stands finally disposed of with the observations and directions made above.

**CWJC No. 15291 of 2009**

On the request of the learned counsel for the parties, the 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 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 petitioners 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 11.11.2009 and that remained pending till date.

**(Birendra Prasad Verma, J)**

Tahir/-

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