

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.514 of 2016

In

Civil Writ Jurisdiction Case No. 15281 of 2008

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Ram Thakur son of late Sukhdeo Thakur, resident of Village- Baripaikant,
P.S. Pasaraha, district- Khagariya.

.... Petitioner/s

Versus

1. Pappu Ray son of Late Chhedi Roy, resident of Village- Khajraitha, P.S. Parbatta, District- Khagariya.
2. The State of Bihar.
3. The Collector, Khagariya.
4. The Deputy Collector Land Reforms, Gogri, Khagariya.
5. The Anchal Adhikari, Gogri, District- Khagariya.

.... Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. L. K. Tiwary
Mr. Anil Kumar

For the Opp. Party No. 2 to 5 : Mr. Awadhesh Kumar, AC to G.P. 3.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 20-04-2016

Heard.

The present MJC application has been filed on behalf of the respondent no. 5 of CWJC No. 15281 of 2008 for modification of the common order dated 26.09.2013 passed in a batch of the writ petitions vide CWJC No. 14909 of 2008, and its analogous cases including CWJC No. 15281 of 2008.

The learned counsel appearing on behalf of the present petitioner submits that in compliance of the aforesaid order dated 26.09.2013, the original writ petitioner, who has been impleaded as opposite party no. 1 in the present proceeding, has already deposited Rs. 5000/- within the time framed by this Court, but the aforesaid amount is not being paid to the petitioner, who was impleaded as respondent no. 5 in CWJC No. 15281 of 2008 only on the ground that his father's name does not tally. According to him, father's name of the present petitioner was wrongly shown as

Shri Sarup Chaudhary Sharma instead of late Sukhdeo Thakur. It is contended that unless and until father's name of the present petitioner is corrected, the respondent District Collector, Khagariya is not prepared to pay the aforesaid amount of Rs. 5000/- to the present petitioner.

In the facts and circumstances of the present case, the petitioner is directed to appear before the respondent District Collector, Khagariya with a certified copy of the present order and he shall file a petition for release of the aforesaid amount of Rs. 5000/- in his favour. If the petitioner appears before the respondent District Collector, Khagariya within a period of one month from today with a certified copy of the present order, then the respondent District Collector, Khagariya shall verify the claim of the petitioner about his parentage after giving an opportunity of hearing to the original writ petitioner, Pappu Rai (opposite party no. 1 in the present case). If after hearing the parties, the correct name of father of the petitioner is found to be late Sukhdeo Thakur instead of Shri Sarup Chaudhary Sharma, then the amount so deposited by the original writ petitioner of that case shall be paid to the petitioner without any unnecessary further delay.

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

(Birendra Prasad Verma, J)

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