

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5080 of 2011**

**With**  
**Interlocutory Application No. 4682 of 2015**

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Smt.Kanti Devi W/O Darmnath Pandit, resident of Village Ashani, P.S. Rasulpur, District Saran.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Member, Board of Revenue, Bihar, Patna.
3. The Additional Collector, Saran, Chhapra.
4. The Deputy Collector, Land Reforms, Chhapra.
5. Chandradev Pandit S/O Late Jagan Pandit, resident of Village Ashani, P.S. Rasulpur, District Saran.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ram Ishwar Prasad, Advocate

For the Respondent Nos. 2 to 5: Mr. Sanjay Kumar, AC to AAG 6

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

4      09-05-2016

**Re: I.A.No. 4682 of 2015**

The instant Interlocutory Application has been filed on behalf of the petitioner stating therein that, during the pendency of the present writ petition, respondent no.5 Chandradev Pandit has passed away on 06.12.2013 leaving behind his heirs and legal representatives, fully detailed in paragraph .1 read with paragraph 3 of the instant Interlocutory Application.

The learned counsel appearing on behalf of the petitioner submits that despite the death of respondent no.5, cause of action survives; therefore, the interest of justice demands that the name of the deceased respondent no.5 may be expunged from array of the parties of the main writ petition and he may be substituted by his heirs and legal representatives.

The learned AC to AAG 6, appearing on behalf of the respondent nos. 1 to 4, does not raise any objection to the prayer for substitution made on behalf of the petitioner in the instant

Interlocutory Application.

In above view of the matter, the prayer for substitution is allowed, subject to the objection, if any, raised in future by the heirs and legal representatives of deceased respondent no.5.

Let the name of deceased respondent no.5 Chandradev Pandit be expunged from array of the parties of the main writ petition and he be substituted by his heirs and legal representatives, fully detailed in paragraph no.1 read with paragraph 3 of the instant Interlocutory Application.

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

**CWJC No. 5080 of 2011**

With the consent of 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 petitioner, in presence of the learned counsel appearing on behalf of the respondent nos. 1 to 4, 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 17.03.2011 and that remained pending till date.

**(Birendra Prasad Verma, J)**

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