

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4220 of 2013

In
Civil Writ Jurisdiction Case No. 5002 of 2006

=====

Bihari Prasad S/O Sheetal Prasad, resident of Gola Bazar, P.S- Buxar,
Town, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar Through Collector, Buxar.
2. Collector, Buxar.
3. Additional Collector, Buxar.
4. Circle Officer, Buxar.

.... Opposite Parties/s

=====

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate

For the Opp.Parties/s : Mr. Shashi Shekhar Pd.Sinha, AC to GA 13

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 18-05-2016

Heard the parties.

The petitioner has filed the present application seeking restoration of CWJC No. 5002 of 2006, which stood dismissed for want of prosecution by an order dated 05.08.2013 passed by this Bench.

The aforesaid CWJC No. 5002 of 2006 was filed on 18.04.2006 and since then more than ten years have already elapsed. All the subsequent developments, which have/might have taken place during the interregnum period, have not been brought on the record.

In above view of the matter, this Court is of the opinion that in stead of restoring aforesaid CWJC No. 5002 of 2006 to its original file, the interest of justice shall be subserved if the petitioner is granted liberty to file a fresh writ petition in the same subject matter after bringing on record all the subsequent developments which have/might have taken place during the interregnum period. It is ordered accordingly.

If such a writ petition is filed on behalf of the petitioner within a period of two months from today with a certified copy of the present order, then the same shall be considered and decided on its own merit in accordance with law, but without being prejudiced by dismissal of aforesaid CWJC No. 5002 of 2006, and that writ petition shall not be dismissed on the ground of the principles of res judicata.

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

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--