

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9013 of 2010

With
Interlocutory Application No. 6059 of 2015

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Saryu Tiwari @ Sarju Tiwari, S/O Late Nanhaku Tiwari, R/O Village Bhaluhan, P.S. Karamchat, District- Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector Kaimur at Bhabua.
3. The Additional Collector, Kaimur at Bhabua.
4. The L.R.D.C. Bhabua (Kaimur)
5. The Circle Officer, Rampur Anchal, District Kaimur.
6. Keshwar Pandey, S/O Late Ramdhyan Pandey, R/O Village Nishija, P.O.- Sabar, P.S. Karamchat (Kaimur).
7. Jokhan Tiwari, S/O Late Ramkishun Tiwari, R/O Village Bhaluhan, P.S.- Karamchat, District- Kaimur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Sahay, Advocate
For the Respondent Nos. 1 to 5 : Mr. Neeraj Kumar, AC to SC 22
For the Respondent Nos. 6 & 7 : Mr. Satyendra Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

8 19-01-2016

Re: I.A.No. 6059 of 2015

The present Interlocutory Application has been filed on behalf of the petitioner stating therein that the respondent no.6 Keshwar Pandey has passed away during the pendency of the present writ petition on 23.03.2015 leaving behind his heirs and legal representatives, fully detailed in paragraph no.1 of the instant Interlocutory Application.

Mr. Satyendra Pandey, learned counsel, submits that he has already entered appearance on behalf of the proposed heirs of the deceased respondent no.6 by filing a duly executed vakalatnama on their behalf and he does not oppose 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 respondent no.6 Keshwar Pandey be expunged from array of the parties in the main writ petition and he be substituted by his heirs and legal representatives, fully detailed in paragraph no.1 of the present Interlocutory Application.

Necessary correction in the cause title of the main writ petition shall be carried out by the office within a period of one week from today.

The present Interlocutory Application stands finally disposed of.

CWJC No. 9013 of 2010

With the consent of the parties, the main writ petition is 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 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 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 19.05.2010 and that remained pending till date.

(Birendra Prasad Verma, J)

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