

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14684 of 2014

With
Interlocutory Application No.6499 of 2016

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Ripunjay Kumar, son of Sri Suresh Rai, resident of village Rampur, P.S. Bakhari, District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector-cum-District Magistrate, Begusarai.
3. The Additional Collector, Begusarai.
4. The Deputy Collector, Land Reform, Bakhari District Begusarai.
5. The Anchal Adhikari, Bakhari District Begusarai.
6. Smt. Anju Sinha, Wife of Sri Lalit Kishore Prasad, resident of village Cheria Bariarpur, P.S. Cheria Bariarpur, District Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
For the Respondent/s : Mr. Md. Irshad, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 03-10-2016

Re.: I.A.No.6499 of 2016

The instant Interlocutory Application has been filed on behalf of the heirs and legal representatives of the original writ petitioner Ripunjay Kumar stating therein that, during the pendency of the present writ petition, the sole petitioner died on 20.7.2016 leaving behind his heirs and legal representatives, fully detailed in paragraph 3 of the instant Interlocutory Application. Therefore, a prayer for substitution has been made in the present Interlocutory Application.

The learned State counsel appearing on behalf of the respondents has no objection to the prayer for substitution made on behalf of the heirs and legal representatives of the original writ petitioner in the instant Interlocutory Application.

In above view of the matter, the prayer for

substitution is allowed.

Let the name of original writ petitioner Ripunjay Kumar be expunged and he be substituted by his heirs and legal representatives, fully detailed in paragraph 3 of the instant Interlocutory Application, who all have entered appearance through their learned counsel.

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

Re.:CWJC No.14684 of 2014

With the consent of the parties, the main writ petition has been taken up for consideration on merits.

The petitioner is aggrieved by the order dated 21.05.2014 passed in Jamabandi Correction Case No.20 of 2013-14 by the respondent Additional Collector, Begusarai, as contained in Annexure-1 to the writ petition, whereby the aforesaid Jamabandi Correction Case No.20 of 2013-14 filed on behalf of the respondent no.6 purportedly under the provisions of Section 9(1) of The Bihar Land Mutation Act, 2011 (in short 'Act, 2011') has been allowed and the prayer made on behalf of the respondent no.6 has been accepted.

Though, the learned counsel appearing on behalf of the petitioner has argued the matter at some length, but the learned State counsel appearing on behalf of the official respondents submits that the order impugned is appealable before the prescribed appellate authority in view of the provisions contained in Section 9 (6)(a) of the Act, 2011. Therefore, according to him, the present writ petition, at this stage, is not maintainable and is fit to be dismissed on the ground of availability of alternative remedy

to the petitioner.

At this stage, the learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present writ petition with a liberty to approach the prescribed appellate authority for grant of appropriate relief(s) to the petitioner with respect to the lands in question as also the order impugned.

Permission is accorded.

The writ petition stands dismissed as withdrawn with the liberty aforesaid.

If an appropriate appeal is filed on behalf of the substituted petitioners, after impleading all the necessary parties including the respondent no.6, besides others, if any, within a period of four 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 substituted petitioners for condonation of such delay, then the learned prescribed appellate authority shall take into consideration that on a bonafide legal advice the original writ petitioner had filed the present writ petition on 26.08.2014 and that remained pending before this Court till date.

(Birendra Prasad Verma, J)

Arvind/-

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