

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4391 of 2013

In

Civil Writ Jurisdiction Case No. 11312 of 2006

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Rauf Mian, Son of Late Bala Mian, resident of village - Dangsi, Post office - Dangsi, Police Station - Sidhwalia, district - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary Department of Land Reforms and Revenue, State of Government of Bihar
 2. The Commissioner, Saran Division, Chhapra
 3. The Collector, Gopalganj
 4. The Land Reforms Deputy Collector, Gopalganj, District - Gopalganj
 5. Bharat Sah
 6. Ganesh Sah
 - Both sons of Late Babu Ram Sah
 7. Doma Sah Son of Bageshwari Sah
 8. Mostt. Sahodari wife of Late Sheonath Sah
 9. Om Prakash Sah
 10. Rameshwar Sah
 - Both sons of Late Sheonath Sah
 11. Raj Kumar Sah Son of Late Sheonath Sah
- Respondent Nos., 5 to 11 are residents of village - Dangsi, Post office - Dangsi, Police Station - Sadhwalia, District - Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad Singh, Adv.

For the Opposite Party nos.1to4 : Mr. P.K. Verma, AAG-3

Miss. Divya Verma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 07-09-2016

Heard.

The original writ petitioner has filed the present MJC application seeking restoration of CWJC No.11312 of 2006, which stood dismissed for want of prosecution by an order dated 13.08.2013. The aforesaid writ petition was dismissed earlier also for the same reason by an order dated 18.03.2008, but that was restored. Apparently, it was second default on the part of the petitioner, which led to dismissal of the aforesaid writ petition.

The aforesaid writ petition was filed way back on 13.09.2006 and since then almost 10 years have already elapsed, but all the subsequent developments, which might have taken place during the interregnum period, have not been brought on record.

In view of the aforesaid factual matrices, this Court is of the opinion that, instead of restoring the aforesaid CWJC No. 11312 of 2006 to its original file, the interest of justice shall be sub-served, 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 might have taken place during the interregnum period. It is ordered accordingly.

If such a fresh writ petition is filed on behalf of the petitioner within a period of three months from today with a certified copy of the present order, then the same shall be decided on its own merits, without being prejudiced/influenced by the order dated 13.08.2013, whereby CWJC No. 11312 of 2006 was dismissed for want of prosecution.

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

Arvind/-

(Birendra Prasad Verma, J)

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