

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12780 of 2013

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1. Ram Ishwar Rai Son Of Late Mahtab Rai Resident Of Village - Bigrahpur, P.S. Jakkanpur, District - Patna
 2. Ram Sevak Rai Son Of Late Mehtab Rai Resident Of Village - Bigrahpur, P.S. Jakkanpur, District - Patna
 3. Santosh Rai @ Santosh Kumar Son Of Late Dwarika Rai Resident Of Village - Bigrahpur, P.S. Jakkanpur, District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate - Cum - Collector, Patna
3. The Sub - Divisional Officer, Sadar, Patna
4. The Circle Officer, Fulwarisharif, District - Patna
5. Dev Nandan Rai Son Of Late Ram Lakhan Rai Resident Of Village - Bigrahpur, P.S. Jakkanpur, District - Patna
6. Brij Nandan Rai Son Of Late Ram Lakhan Rai Resident Of Village - Bigrahpur, P.S. Jakkanpur, District - Patna
7. Krishna Rai Son Of Late Ram Lakhan Rai Resident Of Village - Bigrahpur, P.S. Jakkanpur, District - Patna
8. Hari Nandan Rai Son Of Late Ram Lakhan Rai Resident Of Village - Bigrahpur, P.S. Jakkanpur, District - Patna
9. Upendra Rai Son Of Late Jai Nandan Rai Resident Of Village - Bigrahpur, P.S. Jakkanpur, District - Patna

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 09-03-2016

Re. I.A. No. 877 of 2014

The interlocutory application seeks substitution of the name of the petitioner no.1, namely Ram Isahwar Rai who died during the pendency of the application by his heirs and legal representatives who are applicants and have filed 'vakalatnama'.

After hearing both sides, the same is allowed. Let the name of petitioner no.1 be deleted from the array of the parties and in his place the heirs and legal representatives set out in para 1 of the application be substituted.

Heard Mr. Hemendra Prasad Singh for the petitioner and AC to GP-23 for the State.

The writ application seeks a direction for full implementation of the order dated 22.11.2012 passed by the respondent Sub Divisional Officer, Sadar, Patna in case no. 1566(M)/2012 (Annexure-1). Indisputably, in the light of the said order the land of both parties was measured and fixed marks were placed. However, demarcation by affixing pillars could not be made. The petitioners pray for an order directing the respondents to ensure fixation of pillars on the subject land. The order of which implementation is sought has already outlived its life.

The counsel for the petitioner states that owing to non fixation of the pillars, there is serious apprehension of breach of peace between the parties inasmuch as few criminal cases have also been lodged. If that be so, then the petitioners are at liberty to approach the Sub Divisional Officer or the Court of competent Civil jurisdiction invoking their jurisdiction for passing appropriate orders in accordance with law. The writ application is disposed of.

(Kishore Kumar Mandal, J)

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