

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3304 of 2015

In
Civil Writ Jurisdiction Case No. 14994 of 2015

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Baleshwar Mahto son of Munshi Mahto, resident of Village- Deoghara,
Chand Tola, P.S.- Mednichowki, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Lakhisarai District- Lakhisarai.
2. Collector, Lakhisarai, District- Lakhisarai.
3. Additional Collector, Lakhisarai, District- Lakhisarai.
4. Anchal Adhikar, Suryagarha, District- Lakhisarai.
5. Bihar Bhood Yagna Committee Raod No. 34, Gardanibagh, Patna, P.S.-
Gardanibagh, District- Patna, through its Chairman.
6. Chairman, Bihar Bhoodan Yagna Committee Raod No.34, Gardanibagh,
Patna, P.S.- Gardanibagh, District- Patna.
7. Office Secretary, District Bhoodan Committee Collectorate, Munger,
District- Munger.
8. Madan Sao
9. Sudhir Sao

Respondent Nos. 8 and 9 are sons of Late Nagoru Sao

10. Kunti Devi wife of Thakur Sao

11. Smt. Nutan Devi wife of Kishore Yadav

Respondent Nos. 8 to 11 are residents of village- Safipur Bhirha, P.S.-
Mednichawki, District- Lakhisarai

.... Opposite Parties/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Bhakta, Advocate

For the Opp.Parties/s : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 14-12-2016 Heard the learned counsel appearing on behalf of the petitioner. However, none appears on behalf of the opposite parties, though the names of the learned counsel appearing on their behalf are printed in the cause list.

The petitioner has filed the present MJC application for restoration of CWJC No. 14994 of 2015, which stood dismissed for want of prosecution by order dated 13.10.2015.

The aforesaid CWJC No. 14994 of 2015 was filed on 17.09.2015 and since then more than one year has elapsed, but all



the subsequent developments, which 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. 14994 of 2015 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 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 one month 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/influenced by the order dated 13.10.2015 whereby aforesaid CWJC No. 14994 of 2015 was dismissed for want of prosecution.

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

(Birendra Prasad Verma, J)

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