

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3163 of 2015

In

Civil Writ Jurisdiction Case No. 22258 of 2012

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Indu Shekhar Jha Son of Tej Narayan Jha , Resident of Village - Sirpur
Hati, Tola - Kakna, Police Station - Pandaul, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, District - Madhubani
2. The Additional Collector, District- Madhubani
3. The Sub Divisional Officer, Sadar, District- Madhubani
4. The Deputy Collector, Land Reforms, District- Madhubani
5. The Anchal Adhikari, Rahika, District- Madhubani
6. Ram Prit Ram
7. Ram Bahadur Ram, Both sons of Late Baltoo Ram, Resident of village-
Suratganj, P.S.- Hati, District- Madhubani

.... Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv.

For the Opp. Party/s : Mr. Santosh Kr. Mishra, AC to G.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 21-09-2016 Heard the parties.

The petitioner has filed the present M.J.C. application for restoration of C.W.J.C. No. 22258 of 2012, which stood dismissed for want of prosecution by an order dated 27.10.2015.

The aforesaid writ petition was filed on 4.12.2012 and since then more than three years and eight months have 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 instead of restoring the aforesaid writ petition 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 in the same subject matter within a period of two months from today with a certified copy of the present order, then the same shall be considered and decided on its own merit without being prejudiced/ influenced by the order dated 27.10.2015 passed in C.W.J.C. No. 22258 of 2012 and that shall not be dismissed on the ground of the principles of res judicata.

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

(Birendra Prasad Verma, J)

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