

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3512 of 2015

In

Civil Writ Jurisdiction Case No. 23681 of 2012

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Subhan Mian, Son of Late Shaukat Ali, Resident of Village - Rampur Jaga,
Anchal Kuchaikot, Police Station - Gopalpur, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Gopalganj.
3. The Deputy Collector, Land Reforms, Gopalganj.
4. The Sub Divisional Officer, Gopalganj.
5. The Circle Officer, Kuchaikot.
6. Dead
6(a) Kuraisa Khatoon, wife of late Abbas Mian
6(b) Abid Ansari, son of late Abbas Mian
6(c) Jahid Ansari, son of late Abbas Mian
6(d) Jainav Khatoon, daughter of late Abbas Mian
6(e) Shainav Khatoon, daughter of late Abbas Mian
All resident of village-Rampur Jaga, P.O.-Rampur Jaga, P.S.-Gopalpur,
District-Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Adv.
For the Respondent nos.1to5 : Mr. Md. Harun Quareshi, AC to SC-18

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 18-05-2016

M.J.C. No.3512 of 2015

The present MJC application has been filed on behalf of the petitioner for restoration of CWJC No.23681 of 2012, which stood dismissed by an order dated 16.10.2015 for want of prosecution.

After having heard the parties and for the reasons disclosed in the present MJC application, the prayer for restoration is allowed. CWJC No.23681 of 2012 is restored to its original file.

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

CWJC No.23681 of 2012

On the request of the learned counsel appearing on behalf of the petitioner, the main writ petition has been taken up for consideration merit.

After some argument, the learned counsel appearing on behalf of the petitioner, in presence of the learned counsel appearing on behalf of the respondents, seeks permission to withdraw the present writ petition with a liberty to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief(s) with respect to the lands under dispute as also with respect to the order impugned in the present proceeding.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

The parties shall be at liberty to raise all the issues of facts and law, which may be available to them, before the learned Bihar Land Tribunal, Patna.

If an appropriate petition is filed on behalf of the petitioner within a period of eight 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 petitioner for condonation of such delay, then the learned Bihar Land Tribunal, Patna shall take into consideration that on a bonafide legal advice the present writ petition was filed on 18.12.2012 and that remained pending before this Court till date.

Arvind/-

(Birendra Prasad Verma, J)

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