

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13712 of 2003

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Randhir Prasad son of late Janardan Prasad, resident of Mohalla Kalyanpur,
P.S. Jamui, District Jamui.

.... Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate, Jamui.
3. Circle Officer, Jamui.
4. Most Urmila Devi, wife of Manbodh Ram.
5. Banarsi Ram
6. Chothelal Ram, both sons of Jamuna Ram, resident of Mohalla Kalyanpur, P.S. Jamui, District Jamui
7. Smt. Bhikani Devi wife of Ramanand Ram @ Dinger Ram (expunged and substituted by her following heirs and legal representatives:)
 - 7(i) Sourav Kumar Ram @ Tipu Ram
 - 7(ii) Pintu Kumar Ram @ Lola Ram
 - 7(iii) Sintu Kumar Ram @ Chotu Ram, all sons of late Bhikani Devi
8. Bacchi Devi wife of Mundrika Ram
9. Sakuntala Devi wife of Bhola Ram
10. Sri Nageshwar Ram son of late Kuldip Ram
11. Sri Sunil Kumar son of late Kuldip Ram, All are resident of Mohalla Kalyanpur, P.S. Jamui, District Jamui.

.... Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent Nos. 1 to 3: Mr. AC to SC-18

For the Respondent Nos. 4, 5 and 8 to 11: Mr. Prakash Mahto, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 27-09-2016

Despite repeated calls, none appears on behalf of the petitioner in support of the present writ petition. However, I have heard the learned A.C. to SC-18 appearing on behalf of the respondent nos. 1 to 3 as also the learned counsel appearing on behalf of some of the private respondents.

The learned counsel appearing on behalf of the respondents by looking into the records of the present case, submits that the writ petition stood dismissed as against respondent nos. 7(i), 7(ii) and 7(iii) on account of non-compliance

of the Court's peremptory order dated 31.3.2006 passed by a Bench of this Court. Therefore, according to them, the present writ petition has become incompetent and cannot proceed further.

The learned counsel appearing on behalf of some other private respondents further submits that the respondent no.6 has also died during the pendency of the present writ petition leaving behind his heirs and legal representatives, but no step has been taken by the petitioner for substituting his heirs and legal representatives.

The present writ petition arises out of a proceeding under the provisions of The Bihar Privileged Persons Homestead Tenancy Act, 1947. By the impugned order dated 22.9.2003 passed by the respondent District Collector, Jamui, the claims raised on behalf of the petitioner with respect to the lands in question has been rejected.

In view of the dismissal of the writ petition, as against substituted respondent nos. 7(i), 7(ii) and 7(iii), and in view of the fact that no step has been taken by the petitioner for substituting the heirs and legal representatives of deceased respondent no.6, this Court is of the opinion that the present writ petition has become incompetent and cannot proceed further.

In above view of the matter, the present writ petition has to fail and is, accordingly, dismissed. However, there shall be no order as to costs.

(Birendra Prasad Verma, J)

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