

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.164 of 2016

In

Civil Writ Jurisdiction Case No. 13546 of 2010

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Chhedi Chaupal @ Chhedi Mandal, S/o Sri Bahuri Mandal, resident of
Lakshmipur, P.S.- Kaluahi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Madhubani, District- Madhubani.
3. The Deputy Collector, Land Reforms, Sadar, Madhubani.
4. The Circle Officer, Khajauli, District- Mdhubani.
5. Sheo Kumar Singh @ Shiv Kumar Roy, son of Satyanarayan Singh.
6. Ashok Kumar Singh S/o Satyanarayan Singh.
7. Ram Kumar Singh son of Satyanarayan Singh.
8. Nawal Singh son of Satyanarayan Singh.
9. Pramod Singh son of Satyanarayan Singh

Respondent No. 5 to 9 are residents of Village-Lakhmipur, P.O + P.S.-
Kaluahi, District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kr.Thakur, Advocate

For the Respondent Nos. 1 to 4: Mr. K.P.Yadav, GP 11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 26-10-2016

Heard the parties.

The present MJC application has been filed on behalf of the petitioner seeking restoration of CWJC No. 13546 of 2010, which stood dismissed for want of prosecution by an order dated 14.12.2015 passed by this Bench.

The aforesaid CWJC No. 13546 of 2010 was filed on 17.08.2010 and since then more than six years have already 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. 13546 of 2010 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 fresh writ petition is filed on behalf of the petitioner 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 in accordance with law, but without being prejudiced/influenced by order dated 14.12.2015 passed in CWJC No. 13546 of 2010, and that writ petition shall not be dismissed on the ground of the principles of res judicata.

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

(Birendra Prasad Verma, J)

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