

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1340 of 2002

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Bhola Rai son of Late Ramchandra Rai, resident of Village Chak Apsard,
P.S.Sonepur, District Saran

.... Petitioner/s

Versus

1. The State of Bihar
 2. Bhola Rai son of Late Kauleshwar Rai, resident of Village
Chak Apsard, P.S.Sonepur, District Saran
 3. Most. Lakhpatri Devi wife of Late Mohan Rai
 4. Gopal Rai minor son of Late Mohan Rai through Lakhpatri Devi
Mother Guardian and next friend of the minor
Both residents of village Chak Apsard, P.S.Sonepur, District Saran
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Janardan Prasad Singh, Advocate
Mr. Dipak Kumar I, Advocate

For the Respondent No.1 : Mr. Pratik Kr.Sinha, AC to GA XII

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 22-07-2016

Heard.

In the present writ petition, the sole petitioner is aggrieved by order dated 11.10.2001 passed in Ceiling Revision Case no. 116 of 2001 by the Additional Member, Board of Revenue, Bihar, Patna, whereby aforesaid revision case filed on behalf of the petitioner under Section 32 of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short, "the Act") has been dismissed on the ground of limitation.

This writ petition was earlier heard by a Bench of this Court on 11.11.2008 and it was noticed that the sole writ petitioner has died. However, three weeks' time was granted to the learned counsel for the petitioner to verify the fact and file an appropriate substitution petition.

Though, almost eight years have elapsed since the aforesaid order dated 11.11.2008, but till date no petition has been

filed on behalf of the petitioner in the light of the aforesaid order dated 11.11.2008. The learned counsel appearing on behalf of the petitioner submits that despite all efforts he has not been able to get instructions from the heirs of the writ petitioner; therefore, no substitution petition has been filed on their behalf.

In view of the aforesaid factual matrices and in view of the fact that the sole writ petitioner has died long long ago and no substitution petition has been filed on behalf of his heirs seeking their substitution in the present writ petition, the whole writ petition has abated and cannot proceed further. Accordingly, the writ petition stands dismissed.

(Birendra Prasad Verma, J)

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