

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4917 of 2012

With
Interlocutory Application No. 1444 of 2014

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Jamuna Singh @ Yamuna Singh S/O Late Jamir Singh, Resident Of Village
Diyan, P.S. Mohania, District Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. The State Of Bihar.
2. The Director Of Consolidation Bihar Patna.
3. The Consolidation Officer Mohania District Kaimur.
4. Ram Ashish Singh S/O Late Raj Narayan Singh, Resident Of Village
Diyan, P.S. Mohania, District Kaimur (Bhabhua).
5. Bijay Shankar Singh S/O Late Raj Narayan Singh, Resident Of Village
Diyan, P.S. Mohania, District Kaimur (Bhabhua).
6. Birendra Singh S/O Late Raj Narayan Singh, Resident Of Village Diyan,
P.S. Mohania, District Kaimur (Bhabhua).
7. Bidyadhar Singh S/O Bikrama Singh, Resident Of Village Diyan, P.S.
Mohania, District Kaimur (Bhabhua).
8. Ramesh Prasad Singh S/O Bikrama Singh, Resident Of Village Diyan,
P.S. Mohania, District Kaimur (Bhabhua).
9. Manish Singh S/O Late Bigu Singh, Resident Of Village Diyan, P.S.
Mohania, District Kaimur.
10. Premshankar Singh S/O Late Ram Ji Singh, Resident Of Village Diyan,
P.S. Mohania, District Kaimur.
11. Jai Shankar Singh S/O Late Ram Ji Singh, Resident Of Village Diyan,
P.S. Mohania, District Kaimur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arabind Nath Pandey, Adv.
For the Respondent Nos.1 to 3 : Mr. Jay Prakash Sharma, AC to GP XXI
For the Respondent Nos. 4 to 8 : Mr. Hemendra Prasad Singh, Sr. Adv.
Mr. Bhanu Pratap Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 01-09-2016

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Heard the parties.

The instant interlocutory application has been filed
purportedly on behalf of the heirs and legal representatives of the
sole petitioner- Jamuna Singh stating therein that sole petitioner
died on 6.10.2013 leaving behind his heirs and legal

representatives, fully detailed in paragraph-2 of the instant interlocutory application.

The learned counsel appearing on behalf of the petitioner submits that all the proposed heirs of the deceased sole petitioner are major and they all have entered appearance through their learned counsel by filing their duly executed Vakalatnama.

The learned counsel appearing on behalf of the respondents do not raise any objection to the prayer for substitution made in the present interlocutory application.

In above view of the matter, the prayer for substitution is allowed. Let the name of the deceased sole writ petitioner be expunged from the array of the parties of the main writ petition and be substituted by their heirs and legal representatives, fully detailed in paragraph-2 of the present interlocutory application.

The instant Interlocutory Application thus stands finally disposed of.

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With the consent of the parties, main writ petition has been taken up for consideration on merits.

After some argument, the learned counsel, appearing on behalf of the substituted petitioners, 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 before the learned Bihar Land Tribunal, Patna, which may be available to them.

If an appropriate petition is filed on behalf of the substituted petitioners before the learned Bihar Land Tribunal, Patna within a period of two months 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 substituted petitioners, 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 before this Court on 13.3.2012 and that remained pending till date.

(Birendra Prasad Verma, J)

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