

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3349 of 2014

In

Civil Writ Jurisdiction Case No. 13373 of 2006

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Vinay Kumar Rai Son of Late Jharkhandy Rai, resident of Village-Bithwar,
P.S.-Bhabhua, Distt.-Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate (Collector), Kaimur (Bhabhua).
3. The Deputy Development Commissioner, Kaimur (Bhabhua).
4. Sri. N.K.Jha, (Enquiry Officer), Kaimur (Bhabhua).
5. Md. Razique, Circle Officer, Adhaura, Kaimur (Bhabhua).

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Tiwari, Advocate
For the Opp.Parties : Mr. Kumar Alok, SC 8
Mr.Rkesh Sinha, AC to SC 8

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 30-03-2016

Heard the parties.

The present MJC application has been filed on behalf of the petitioner seeking restoration of CWJC No. 13373 of 2006 which stood dismissed for want of prosecution by order dated 26.08.2014.

In view of the nature of claims raised on behalf of the petitioner and the issues involved therein, this Court is of the opinion that instead of restoring the aforesaid CWJC No. 13373 of 2006 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 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 merits without being prejudiced/influenced by the order dated 26.08.2014 passed in CWJC No. 13373 of 2006 and that writ petition shall not be dismissed on 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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