

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6821 of 2011

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Md.Sabbir Alam son of Late Md. Abdul Rahman, resident of village Balua, Garia, P.S. K. Nagar, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Purnea Division, Purnea.
3. The Collector, Purnea.
4. The Deputy Collector, Land Reforms Sadar, Purnea.
5. Bhujdeo Prasad Mehta son of Late Fulcharan Mehta.
6. Umesh Prasad Mehta son of Bhujdeo Prasad Mehta.
7. Ramesh Prasad Mehta son of Bhujdeo Prasad Mehta.
8. Birendra Mehta.
9. Manoj Mehta.
10. Jitendra Mehta

All sons of Late Basudeo Prasad Mehta, respondents no. 5 to 10, belong to resident of village- Balua Garia, P.S. K. Nagar, District Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent Nos. 1 to 4: Mr. Amit Bhushan, AC to G.P. 17

For the Respondent Nos. 6 & 7: Mr. Arun Pd. Ambastha, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 28-10-2016 Despite repeated calls, none appears on behalf of the petitioner in support of the present writ petition, though the name of the learned counsel appearing on his behalf is printed in the daily cause list.

The learned counsel appearing on behalf of the respondent nos. 6 and 7 submits that by recording concurrent findings of facts, claim of pre-emption raised on behalf of the respondent nos. 5 to 7 has been allowed by all the three statutory authorities and the petitioner lost before all the three authorities. He further submits that the respondent no. 5 died much earlier, yet no step for substitution has been taken by the petitioner; therefore, the writ petition, as against the respondent no.5, stood abated, as a result of which, whole writ petition has become incompetent and it

can be dismissed on that ground alone. The learned A.C. to G.P. 17 appearing on behalf of the respondent nos. 1 to 4, submits that the impugned orders passed by all the statutory authorities cannot be legally faulted.

Be that as it may, since none is appearing on behalf of the petitioner, the writ petition stands dismissed for want of prosecution.,

(Birendra Prasad Verma, J)

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