

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1696 of 2011

In
Civil Writ Jurisdiction Case No. 9874 of 2004

=====

Bhagawan Singh, son of Sri Sheo Nath Singh, resident of Bashishthapuri,
P.S.-Nawada (Ara) New Police Line Ara, District-Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through its Commissioner-cum-Secretary, Urban Development Department, Patna.
2. The District Magistrate, Ara, District-Ara.
3. The Superintending Engineer (Irrigation Tube Well) Ara.
4. The Sub-Divisional Officer, Ara, District-Ara.
5. The Block Development Officer, Ara, District-Ara.
6. The Circle Officer/Anchal Adhhikari, Anchal-Ara, District-Ara.
7. Lal Babu Yadav, son of late Ram Asrya Yadav, resident of village-Pakari, P.S.-Nawada, District-Bhojpur.
8. Sachidanand Tiwary, son of Ram Naresh Tiwary, resident of village-Bashishthapuri, P.S.-Nawada, District-Bhojpur (Ara).

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Singh, Adv.
Mr. Apurv Harsh, Adv.

For the Opposite Party nos.1to6 : Mr. Ram Babu Rai, AC to SC-14

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 07-09-2016

Heard.

The original writ petitioner has filed the present MJC application seeking restoration of CWJC No.9874 of 2004, which stood dismissed for want of prosecution by an order dated 07.04.2011.

The aforesaid writ petition was filed way back on 23.08.2004 and since then more than 12 years have already elapsed, but all the subsequent developments, which might have taken place during the interregnum period, have not been brought on record.

In above view of the matter, this Court is of the opinion that, instead of restoring the aforesaid CWJC No. 9874 of

2004 to its original file, the interest of justice shall be sub-served, 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 decided on its own merits, without being prejudiced/influenced by the order dated 07.04.2011, whereby CWJC No. 9874 of 2004 was dismissed for want of prosecution.

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

Arvind/-

(Birendra Prasad Verma, J)

U			
---	--	--	--