

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18543 of 2010

With
Interlocutory Application No. 3727 of 2012

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Dhaneshwar Singh S/O Late Ramroop Mahto R/O Vill.- Sigraulti Ghat,
P.O.- Siraulti, P.S.- Riga, Distt.- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Joint Director of Consolidation, Muzaffarpur
3. Deputy Director of Consolidation, Sitamarhi
4. Assistant Consolidation Officer, Riga, P.S.- Riga, Distt.- Sitamarhi
5. Jannu Baitha S/O Late Bhikar Baitha R/O Vill.- Siraulti Ghat, P.O.- Siraulti, P.S.- Riga, Distt.- Sitamarhi
6. Laxmi Baitha S/O Late Palat Baitha R/O Vill.- Siraulti Ghat, P.O.- Siraulti, P.S.- Riga, Distt.- Sitamarhi
7. Sona Devi D/O Late Ram Avtar Baitha, W/O Ramadhar Baitha R/O Vill.- Siraulti Ghat, P.O.- Siraulti, P.S.- Riga, Distt.- Sitamarhi
8. Suresh Prasad Dhavan (Mahtha) S/O Late Vishun Mahtha R/O Mohalla-Mirchai Patti, P.S., P.O. And Distt.- Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Respondent Nos. 1 to 4 : Mr. Radha Mohan Pathak, AC to SC 29

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 23-02-2016

Re: I.A.No. 3727 of 2012

The present Interlocutory Application has been filed on behalf of the petitioner stating therein that during the pendency of the main writ petition, the respondent no.5 Jannu Baitha has passed away on 07.03.2012 leaving behind his heirs and legal representatives, fully detailed in paragraph no.1 of the instant Interlocutory Application. Therefore, it is prayed that the name of the deceased respondent no.5 may be directed to be expunged from array of the parties of the main writ petition and he be substituted by his heirs and legal representatives, fully detailed in paragraph no.1 of the present Interlocutory Application.

The learned counsel appearing on behalf of the State

of Bihar and its functionaries does not raise any objection to the aforesaid prayer for substitution.

In above view of the matter, the prayer for substitution is allowed.

Let the name of the deceased respondent no.5 Jannu Baitha be expunged from array of the parties of the main writ petition and he be substituted by his heirs and legal representatives, fully detailed in paragraph no.1 of the present Interlocutory Application.

The present Interlocutory Application stands finally disposed of.

CWJC No. 18543 of 2010

On the request of the learned counsel for the parties, the main writ petition has been taken up for consideration on merits.

After some argument, the learned counsel appearing on behalf of the petitioner, in presence of the learned counsel appearing on behalf of the respondents, 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

petitioner 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 petitioner for condonation of such delay, then the learned Bihar Land Tribunal, Patna shall take into consideration that on a bona fide legal advice, the present writ petition was filed before this Court on 09.11.2010 and that remained pending till date.

(Birendra Prasad Verma, J)

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