

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3351 of 2006

- =====
1. Upendra Singh @ Upendra Narayan Singh son of Late Chandra Bhan Singh
 2. Rama Nand Singh son of Late Rajgir Singh
 3. Manoj Singh son of Late Raghubir Singh
- All are residents of Village Tumaul, P.O. Tumaul, P.S.Ghanshyampur, District Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. The Additional Collector, Darbhanga
3. The Land Reforms Deputy Collector, Biraul, District Darbhanga
4. The Anchal Adhikari, Ghanshyampur, District Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate

For the Respondent/s : Mr. Ajay Kumar Sharma,, AC to PAAG 1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

8 24-10-2016 Heard the learned counsel appearing on behalf of the petitioners and the learned AC to PAAG-1 appearing on behalf of the respondents.

Despite indulgence granted by this Court by order dated 17.10.2016, no substitution petition has been filed vice deceased petitioner no.1, which has been pointed out by office note dated 22.10.2016.

The learned counsel appearing on behalf of the petitioners does not dispute the aforesaid office note. He fairly submitted that despite death of petitioner no.1 and despite his all efforts and communications made by him, other petitioners or heirs and legal representatives of deceased petitioner no.1 have not turned up to file any substitution petition, therefore, order dated 17.10.2016 could not be complied with.

In above view of the matter, the writ petition on behalf of the petitioner no.1 Upendra Singh alias Upendra Narayan Singh as also his heirs and legal representatives has

abated in the light of the order dated 17.10.2016 and is accordingly dismissed. However, the writ petition survives on behalf of the petitioner nos. 2 and 3.

The petitioner nos. 2 and 3 are aggrieved by order dated 31.12.2005 passed in Case No. 1 of 2005 by the respondent Additional Collector, Darbhanga, as contained in Annexure-1 to the writ petition, whereby the respondent Additional Collector, Darbhanga in exercise of his powers under Section 4(h) of The Bihar Land Reforms Act, 1950 (in short "the Act, 1950") has rejected the claim of settlement made on behalf of the petitioners with respect to the sairats in question and jamabandi standing in their names has been cancelled. Accordingly, the subordinate authorities of the State have been directed to take consequential actions for taking possession over the sairats in question.

After some argument, the learned counsel appearing on behalf of the petitioner nos. 2 and 3 seeks permission to withdraw the present writ petition with a liberty to file an appeal before the prescribed appellate authority under the provisions of Section 4(h) proviso of the Act, 1950.

The learned State counsel does not raise any objection to the aforesaid prayer made on behalf of the petitioner nos. 2 and 3.

In above view of the matter, the writ petition stands dismissed as withdrawn with a liberty to the petitioner nos. 2 and 3 to file an appropriate appeal before the prescribed appellate authority.

(Birendra Prasad Verma, J)

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