

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9570 of 2010

=====

Shishir Kumar Dubey @ Sisir Dubey, S/O Sitaram Debey, R/O
Balkunthwa, P.S. Nautan, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, West Champaran, Bettiah
2. The Land Reforms Deputy Collector, West Champaran, Bettiah
3. The Circle Officer, Nautan Circle, District- West Champaran.
4. Aftab Alam, S/O Late Amjab, R/O Bishunpura, P.O. & P.S. Nautan, District- West Champaran.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma, Advocate
For the Respondent Nos. 1 to 3 : Mr. Anuj Kumar, AC to SC 7

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 29-04-2016

From perusal of the office note dated 27.04.2016, it appears that despite indulgence granted by a Bench of this Court by order dated 11.05.2015, no substitution petition has been filed on behalf of the petitioner seeking substitution of heirs and legal representatives of deceased respondent no.4 Aftab Alam.

By the aforesaid order dated 11.05.2015 it was noticed that the respondent no.4 has passed away; therefore, the matter was adjourned enabling the learned counsel appearing on behalf of the petitioner to file an appropriate substitution petition which has not been filed till date despite passage of almost one year.

In the main writ petition, respondent no.4 is the sole contesting respondent and in view of his death and in absence of his heirs and legal representatives the present writ petition cannot proceed further, as it has abated against deceased respondent no.4 as also his heirs and legal representatives.

The learned counsel appearing on behalf of the petitioner submits that despite all efforts made by him he could not

get any information to press this application or to file a substitution petition; therefore, the aforesaid order dated 11.05.2015 could not be complied with.

Be that as it may, since the writ petition has abated as against the deceased contesting respondent no.4 as also against his heirs and legal representatives, whole writ petition has become incompetent, as a result of which, it is accordingly dismissed.

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--