

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3269 of 2015

In
Civil Writ Jurisdiction Case No. 4315 of 2012

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Dhanik Lal Mehta son of Ganeshi Mehta, resident of Village Halalpur,
dhaka, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar .
2. The Collector, Purnea.
3. The Executive Magistrate, Purnea.
4. The D.C.L.R. Dhamdaha, District Purnea.
5. Chamna Devi wife of Dularchand Rishi, resident of Village-Bhalia,
P.O Dangara, P.S Dhamdaha, District Purnea.

.... Opposite Parties/s

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Appearance :

For the Petitioner/s : Mrs. Asha Verma, Advocate

For the Opp.Party Nos. 1 to 4 : Mr. Sanjay Kumar, AC to AAG 4

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 28-09-2016

Heard.

The present MJC application has been filed on behalf of the petitioner seeking restoration of CWJC No. 4315 of 2012, which stood dismissed for want of prosecution by order dated 21.09.2015.

Aforesaid CWJC No. 4315 of 2012 was filed on 02.03.2012 and since then more than four and half years have already elapsed, but all the subsequent developments, which might have taken place during the interregnum period, have not been brought on the record.

The petitioner claims to be the purchaser from the original landholder. To a query of this Court, the learned counsel appearing on behalf of the petitioner could not show from the record of original writ petition the sale deed allegedly executed in his favour by the landholder.

In above view of the matter, this Court is of the

opinion that in stead of restoring the writ petition to its original file, the interest of justice shall be subserved if the petitioner is granted liberty to file a fresh writ petition in the same subject matter after bringing on record all the relevant materials/documents in support of his claims over the lands in question as also 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 considered and decided on its own merits, but without being prejudiced/influenced by dismissal of aforesaid CWJC No. 4315 of 2012 by aforesaid order dated 21.09.2015.

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

(Birendra Prasad Verma, J)

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