

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18206 of 2015

With
Interlocutory Application No. 6081 of 2016

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Bibi Amina Khatoon wife of Syed Haseebur Rub, presently residing at G.B. Road, P.S.- Kotwali, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Jehanabad
3. The Superintendent of Police, Jehanabad
4. Officer-in-Charge, Makhdumpur Police Station, Jehanabad
5. Circle Officer, Makhdumpur, Dist.- Jehanabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Adv.
Mr. Avinash Kumar Singh, Adv.
For the Respondent/s : Mr. Rakesh Kumar Ranjan, AC to G.P. 5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 22-09-2016

Re.: Interlocutory Application No. 6081 of 2016

Heard the parties.

The instant interlocutory application has been filed purportedly on behalf of the heirs and legal representatives of the sole petitioner- Bibi Amina Khatoon stating therein that sole petitioner died on 9.7.2016 leaving behind her heirs and legal representatives, fully detailed in paragraph-2 of the instant interlocutory application.

The learned counsel appearing on behalf of the petitioner submits that all the proposed heirs of the deceased sole petitioner are major and they all have entered appearance through their learned counsel by filing their duly executed Vakalatnama .

The learned AC to G.P. 5 appearing on behalf of the respondents does not raise any objection to the prayer for substitution made in the present interlocutory application.

In above view of the matter, the prayer for substitution is allowed. Let the name of the deceased sole writ petitioner be expunged from the array of the parties of the main writ petition and she be substituted by her heirs and legal representatives, fully detailed in paragraph-2 of the present interlocutory application.

The instant Interlocutory Application thus stands finally disposed of.

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With the consent of the parties, main writ petition has been taken up for consideration on merits.

The petitioner has filed the present writ petition seeking a direction to the respondent authorities to demarcate the land in question, fully detailed in paragraph-1 of the writ petition.

In the present case, a counter-affidavit has been filed on behalf of the respondent nos. 2 and 5, and a copy of which was served upon the learned counsel appearing on behalf of the petitioner way back on 10.3.2016. In the aforesaid counter affidavit it has been averred in paragraphs 3 and 4 that demarcation of the land in question has been done on 22.2.2016. The facts pleaded in the aforesaid counter-affidavit have not been disputed by the petitioner.

In above view of the matter, the present writ petition has become infructuous and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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