

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3515 of 2015

In

Civil Writ Jurisdiction Case No. 986 of 2013

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Chandrika Singh, son of late Kanhai Singh, resident of Village Gaighat, P.S.
Harsidhi, District - East Champaran (Motihari).

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna.
2. The Anchala Adhikari, Harsidhi, East Champaran (Motihari).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Sunil Kumar Ravi, AC to AAG-III

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 29-06-2016

Heard.

The present MJC application has been filed on behalf of the petitioner seeking restoration of CWJC No.986 of 2013, which stood dismissed for want of prosecution by an order dated 16.10.2015.

The aforesaid CWJC No.986 of 2013 was filed on behalf of the petitioner on 15.01.2013 assailing the validity and correctness of the notice dated 22.11.2012 issued by the Anchal Adhikari, Harsidhi. After the aforesaid notice dated 22.11.2012 as also from the date of filing of the writ petition on 15.01.2013, more than three years have already elapsed, but all the subsequent developments, which might have taken place during the interregnum period, have not been brought on record in the present MJC application.

In above view of the matter, this Court is of the opinion that, instead of restoring the main writ petition to its

original file, the interest of justice shall be sub-served, if the petitioner is granted liberty to file a fresh writ petition in the same subject matter, 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 one month from today, after impleading all the necessary parties, then the same shall be considered and decided on its own merits and that shall not be dismissed on the ground of principles of res judicata.

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

(Birendra Prasad Verma, J)

Arvind/-

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