

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1721 of 2004**

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1. Md.Sabir
  2. Md. Jafer,
  3. Md. Nejam, All sons of Late Md. Yasin,
  4. Md. Sagir,
  5. Md. Sahid, both sons of Late Md. Ali
  6. Md. Irfan son of Late Md. Yasin,
  7. Md. Amin, son of Late Md. Ismile, All residents of village Sarmastpur, P.S. Mahnar, District Vaishali.

.... .... Petitioner/s

Versus

1. The Joint Director of Consolidation, Muzaffarpur.
2. The Consolidation Officer, Mahnar, Anchal, District Vaishali.
3. Hafiz Noor Mokhammad (expunged and substituted by his following heirs and legal representatives vide order dated 26.3.2007 :)
4. (i) Md. Nazir Alam  
(ii) Abues Semimuster  
(iii) Md. Manzoor Alam  
(iv) Md. Alam  
(v) Md. Nazir Alam, all sons of late Hafiz Noor Mohammad, All residents of village and P.O. Sarmastpur, P.S. Mahnar, District Vaishali.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : None.

For the Respondent Nos.1 & 2: Mr. Ranjan Kumar, AC to GA-12

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

6      20-10-2016              Despite repeated calls, none appears on behalf of the petitioners in support of the present writ petition, though the names of the learned counsel appearing on their behalf are printed in the daily cause list. However, the learned AC to GA-12 appearing on behalf of the respondent nos. 1 and 2, by looking into the records, submits that on account of non-compliance of Court's peremptory order dated 26.3.2007, the present writ petition stood dismissed as against substituted respondent nos. 3(i) to 3(v). Therefore, according to him, the present matter has become incompetent and it cannot proceed.

On examining the impugned order dated 16.12.1996

passed in Consolidation Revision Case No. 716 of 1992 by the respondent Joint Director of Consolidation, Muzaffarpur, as contained in Annexure-1 to the writ petition, it appears that the original respondent no.3 was the petitioner in the aforesaid Revision Case No. 716 of 1992. After death of original respondent no.3, his heirs were substituted by order dated 26.3.2007, but the writ petition stood dismissed against all those substituted heirs and legal representatives of deceased respondent no.3.

In view of the fact that the writ petition stood dismissed against the main contesting respondents on account of non-compliance of the Court's peremptory order dated 26.3.2007, this Court is of the considered opinion that the present matter has become incompetent and cannot proceed further, since the present matter arises out of consolidation proceeding.

In above view of the matter, this Court is left with no option but to dismiss the writ petition as a whole on the ground of having become incompetent. It is, accordingly, dismissed. However, there shall be no order as to costs.

**(Birendra Prasad Verma, J)**

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