

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13047 of 2010

With
Interlocutory Application No. 7501 of 2013

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Sakuntala Devi W/O Late Vinod Kumar Singh, R/O Vill.- Jatmalpur, P.S.-
Kalyanpur, Dist.-Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Samastipur
2. Smt.Kiran Devi W/O Late Raj Kumar Choudhary, R/O Vill.-
Belsandi, P.S.-Chakmehsi, Dist.-Samastipur.
3. Kishan Kumar, Minor S/O Raj Kumar Choudhary through his natural
guardian i.e.. his Mother Smt. Kiran Devi., R/O Vill.- Belsandi, P.S.-
Chakmehsi, Dist.-Samastipur.
4. Puja Kumari, Minor D/O Late Raj Kumar Choudhary under the
guardianship of her natural guardian i.e.. her Mother Smt.Kiran Devi,
R/O Vill.- Belsandi, P.S.-Chakmehsi, Dist.-Samastipur.
5. Shivani Kumari D/O Late Raj Kumar Choudhary, under the
Guardianship of her natural Guardian i.e. their Mother Smt. Kiran Devi
R/O Vill.- Belsandi, P.S.-Chakmehsi, Dist.-Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Indrajeet Singh

For the Respondent No.1 : Mr. Alok Kumar, AC to SC-21

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 02-02-2016 In view of the office note dated 29.01.2016, let service
of notice upon the respondent no. 2 to 5 be treated to be valid.

Re.: Interlocutory Application No. 7501 of 2013

The instant interlocutory application has been filed on behalf of the heirs and legal representatives of the sole petitioner- Shakuntala Devi stating therein that during the pendency of the main writ petition, sole petitioner died on 07.07.2013 leaving behind the applicants, fully detailed in paragraph-1 of the instant interlocutory application, as her heirs and legal representatives.

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

executed Vakalatnama. He further submits that despite death of sole petitioner, cause of action is still surviving.

The learned counsel appearing on behalf of the respondent State does not raise any objection to the prayer for substitution made in the present interlocutory application. However, none appears on behalf of the respondent no. 2 to 5, though the name of the learned counsel appearing on their behalf is printed in the daily cause list.

In the aforesaid facts and circumstances, 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 be substituted by her heirs and legal representatives, fully detailed in paragraph-1 of the present interlocutory application.

The instant Interlocutory Application stands finally disposed of.

Re.: Civil Writ Jurisdiction Case No. 13047 of 2010

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

After some argument, the learned counsel appearing on behalf of the substituted petitioners seeks permission to withdraw the present writ petition with a liberty to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief(s) with respect to the lands under dispute, as also with respect to the order impugned in the present proceeding.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

The parties shall be at liberty to raise all the issues of

facts and law before the learned Bihar Land Tribunal, Patna, which may be available to them.

If an appropriate petition is filed on behalf of the substituted petitioners before the learned Bihar Land Tribunal, Patna within a period of four weeks from today with a certified copy of the present order, and if it is found to have become barred by limitation and if any petition is filed on behalf of the substituted petitioners, for condonation of such delay, then the learned Bihar Land Tribunal, Patna shall take into consideration that on a bonafide legal advice, the present writ petition was filed before this Court on 11.08.2010 and that remained pending till date.

(Birendra Prasad Verma, J)

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