

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9302 of 2011

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1. Sheo Karan Agrawal Son of Late Rang Lal Agrawal, Resident of S.P. Verma Road, P.S.- Kotwali, District- Patna, through his Power of Attorney Holder Subhash Chandra Rai, Son of Late Ram Lachhan Rai, R/O Saguna Naya Tola, P.S.- Danapur, District- Patna
 2. Awadhesh Rai @ Awadhesh Prasad Son of Late Jugeshwar Rai, Resident of Saguna, P.S.- Danapur, P.O.- Danapur Cantt, District- Patna
 3. Suresh Rai Son of Late Jugeshwar Rai, Resident of Saguna, P.S.- Danapur, P.O.- Danapur Cantt, District- Patna
 4. Dinesh Rai @ Dinesh Kumar Son of Late Jugeshwar Rai, Resident of Saguna, P.S.- Danapur, P.O.- Danapur Cantt, District- Patna
- Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Patna, District- Patna
3. Additional Collector, Patna Collectorate, Patna
4. The D.C.L.R., Danapur
5. Circle Officer, Danapur
6. Hira Rai Son of Late Babu Lal Rai, Resident of Saguna, P.S.- Danapur, P.O.- Danapur Cantt, District- Patna
7. Suresh Rai Son of Late Babu Lal Rai, Resident of Saguna, P.S.- Danapur, P.O.- Danapur Cantt, District- Patna
8. Most. Manti Devi Wife of Late Ram Dular Rai, Resident of Saguna, P.S.- Danapur, P.O.- Danapur Cantt, District- Patna
9. Kedar Rai Son of Shiv Ratan Rai, Resident of Saguna, P.S.- Danapur, P.O.- Danapur Cantt, District- Patna
10. Paras Rai Son of Shiv Ratan Rai, Resident of Saguna, P.S.- Danapur, P.O.- Danapur Cantt, District- Patna
11. Raj Ballav Rai Son of Paras Rai, Resident of Saguna, P.S.- Danapur, P.O.- Danapur Cantt, District- Patna
12. Anil Rai Son of Late Daroga Rai, Resident of Chiraiyatar Lal Jee Tola, Near Office of C.D.A. Patna, P.S.- Gandhi Maidan, Dist.- Patna
13. Most. Prabhawati Devi W/O Late Jag Bahadur Singh, Resident of Tarachak, P.S.- Danapur, Distt.- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kr. Jha, Sr. Adv.

Mr. Uday Bhan Singh, Adv.

For the Respondent No.1 to 5: Mr. Deo Kumar Pandey, AC to G.P. 2

For the Respondent No. 6 to 11 : Mr. Sanjeet Kr. Singh, Adv.

Mr. Dharendra Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 29-08-2016

After some argument, the learned Senior counsel appearing on behalf of the petitioners, in presence of the learned

counsel appearing on behalf of the respondents, 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 petitioners before the learned Bihar Land Tribunal, Patna within a period of six 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 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 20.5.2011 and that remained pending till date.

It is clarified that if the petitioner no.1- Sheo Karan Agrawal is found to have died during the pendency of the present writ petition, then his heirs and legal representatives shall be allowed to join the application, if it is filed before the Bihar Land Tribunal, Patna, and they shall be allowed to prosecute that case treating them to have been substituted by the order of this Court.

BTiwary/-

(Birendra Prasad Verma, J)

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