

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9056 of 2010

With
Interlocutory Application No. 5841 of 2015

=====

Gaytri Devi, W/O Shanti Nath Jha, R/O Village Sarisabpahi, P.S.- Pandaul
(Sarisabpahi), District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary , Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. Commissioner, Darbhanga Division, Darbhanga.
3. Collector, Madhubani.
4. Deputy Collector, Land Reforms, Sadar, Madhubani.
5. Ramjee Mandal, S/O Sri Bhaiya Lal Mandal, R/O Village Sarisab Tola, Nav Tol, P.S. Pandaul, District Madhubani.
6. Smt. Ratna Jha @ Ratna Devi , W/O Vijay Chandra Jha, R/O Village Sarisab Pahi, P.S. Pandaul, (Sarisab Pahi O.P.) District Madhubani.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Gyanand Roy, Advocate
For the Respondent Nos. 1 to 4: Mr. Pratik Kr. Sinha, AC to GA 11

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 09-05-2016

Re: I.A.No. 5841 of 2015

The instant Interlocutory Application has been filed on behalf of the petitioner stating therein that, during the pendency of the present writ petition, respondent no.5 Ramjee Mandal has passed away leaving behind his heirs and legal representatives, fully detailed in paragraph no.2 of the instant Interlocutory Application. However, date of death of the deceased respondent no.5 has not been disclosed.

The learned counsel appearing on behalf of the petitioner submits that the petitioner is a lady and, despite her best effort, she could not ascertain the actual date of death of deceased respondent no.5. However, he submits that despite the death of respondent no.5, cause of action survives; therefore, for the interest of justice, the name of the deceased respondent no.5 may

be expunged from array of the parties of the main writ petition..

The learned State counsel appearing on behalf of the respondent nos. 1 to 4 does not raise any objection to the prayer for substitution made on behalf of the petitioner in the instant Interlocutory Application.

In the facts and circumstances of the case, the prayer for substitution is allowed, subject to objection, if any, to be raised in future by the heirs and legal representatives of the deceased respondent no.5.

Let the name of deceased respondent no.5 Ramjee Mandal be expunged from array of the parties of the main writ petition and he be substituted by his heirs and legal representatives, fully detailed in paragraph no.2 of the instant Interlocutory Application.

The present Interlocutory Application stands finally disposed of with the observations and directions made above.

CWJC No. 9056 of 2010

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

After some argument, the learned counsel appearing on behalf of the petitioner, in presence of the learned counsel appearing on behalf of the respondent nos. 1 to 4, 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 petitioner before the learned Bihar Land Tribunal, Patna within a period of two months 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 petitioner for condonation of such delay, then the learned Bihar Land Tribunal, Patna shall take into consideration that on a bona fide legal advice, the present writ petition was filed before this Court on 19.05.2010 and that remained pending till date.

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--