

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12840 of 2011

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1. Dr. Bindeshwari Prasad Yadav S/O Late Kare Mandal R/O Vill.+P.O.- Rangpura, P.S.- Dhamdaha, Distt.- Purnea at present residing at 1/I Sarva Priya Vihar, New Delhi-16

2. Nawal Kishore Yadav S/O Late Jai Naryan Yadav R/O Rangpura Dakshin, P.S.- Dhamdaha, Distt.- Purnea

3. Niya Devi W/O Nawal Kishore Yadav R/O Rangpura Dakshin, P.S.- Dhamdaha, Distt.- Purnea

.... Petitioner/s

Versus

1. The State of Bihar

2. Commissioner Purnea Division, Purnea

3. Land Reforms Deputy Collector Dhamdaha, Distt.- Purnea

4. Anchal Adhikari Dhamdaha, Distt.- Purnea

5. Deo Narayan Yadav S/O Late Dwarika Prasad Yadav R/O Vill.- Rajani Babhangawa, P.S.- Bihariganj, Distt.- Purnea, at present residing at Rangpura, Dakshin, P.S.- Dhamdaha, Distt.- Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Uday Singh, Advocate

For the Respondent Nos. 1 to 4 : Mr. Rajesh Ranjan, AC to GP 22

For the Respondent No. 5 : Mr. Arun Pd. Ambastha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 09-08-2016

After some argument, the learned 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The writ petition stands disposed of as withdrawn with the liberty aforesaid.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 bona fide legal advice, the present writ petition was filed before this Court on 05.08.2011 and that remained pending till date.

It is clarified that if any of the parties have passed away during the pendency of the present writ petition, then his/her heirs and legal representatives shall be impleaded as party respondent (s) in the petition filed before the learned Bihar Land Tribunal, Patna and it shall be construed that such deceased person (s) has been substituted by the order of this Court.

(Birendra Prasad Verma, J)

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