

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1217 of 2016

In

Civil Writ Jurisdiction Case No. 18656 of 2012

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1. Md. Abbas Ahmad Khan, Son of Late Jamalluddin Khan, resident of village - Mahishamunda, P.S. Kahalgaon, District - Bhagalpur
 2. Hasan Imam Khan, Son of Late Hatim Khan, resident of Mohalla - Kabirpur, P.S. Nathnagar, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna
3. The Director, Land Acquisition, Directorate, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat, Patna
4. The District Rehabilitation Officer, Bhagalpur
5. The Collector, Bhagalpur
6. The District Land Acquisition officer, Bhagalpur
7. The Anchal Adhikari, Nathnagar, District Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-10-2016

The present MJC application has been filed on behalf of the petitioners seeking restoration of CWJC No.18656 of 2012, which stood dismissed for want of prosecution by an order dated 02.02.2016 passed by this Bench.

In CWJC No. 18656 of 2012, the petitioners have not challenged any particular order, rather they have prayed for a direction to the respondent authorities to release the lands in question, which were acquired under the provisions of The Land Acquisition Act, 1894 in the year 1976-77.

In view of the nature of the relief sought for on behalf of the petitioners in the aforesaid CWJC No. 18656 of 2012 and in

view of the fact that the aforesaid writ petition was filed on 03.10.2012 and since then more than four years have already elapsed, but all the subsequent developments, which might have taken place during the interregnum period, have not been brought on record; therefore, this Court is of the opinion that, instead of restoring the aforesaid CWJC No. 18656 of 2012 to its original file, the interest of justice shall be sub-served, if the petitioners are granted liberty to file a fresh writ petition in the same subject matter, after bringing on record all the subsequent developments, which might have taken place during the interregnum period. It is ordered accordingly.

If such a fresh writ petition is filed on behalf of the petitioners within a period of two months from today with a certified copy of the present order, then the same shall be considered and decided on its own merits, without being prejudiced/influenced by dismissal of aforesaid CWJC No. 18656 of 2012 by an order dated 02.02.2016 for want of prosecution.

The present MJC application stands finally disposed of with the observations and directions made above.

Arvind/-

(Birendra Prasad Verma, J)

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