

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6893 of 2010

With
Interlocutory Application No.1201 of 2016

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Vishnu Deo Prasad Singh @Vishnudeo Singh, S/O Ramdeo Singh, R/O
Village-Kasama Mararh, P.S.- Khajauli, District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Madhubani.
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The Additional Collector, Madhubani.
4. The Deputy Collector Of Land Reforms, Sadar Madhubani.
5. Suryadeo Thakur, S/O Late Madhukar Thakur, R/O Village-Kasama Mararh, P.S.- Khajauli, District- Madhubani.
6. Nandi Lal Choudhary, S/O Late Brij Lal Choudhary, R/O Village-Kasama Mararh,P.S.-Khajauli, District- Madhubani.
7. Bhishma Lal Choudhary, S/O Nandilal Choudhary, R/O Village-Kasama Mararh,P.S.-Khajauli,District-Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha
For the Respondent No.1 to 4: Mr. Pratik Kr. Sinha, AC to GA-XII
For the Respondent No. 5 to 7: Mr. Vinay Mistry

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 05-04-2016

Re.: Interlocutory Application No. 1201 Of 2016

The instant interlocutory application has been filed on behalf of the heirs and legal representatives of the respondent no.5 stating therein that the respondent no. 5- Suryadeo Thakur has died during the pendency of the main writ petition on 07.01.2016 leaving behind his heirs and legal representatives, fully detailed in paragraph-2 of the instant interlocutory application.

The learned counsel appearing on their behalf submits that all the proposed heirs and legal representatives of deceased respondent no. 5 are major and they all have entered appearance by filing their duly executed Vakalatnama.

The learned counsel appearing on behalf of the petitioner does not raise any objection to the prayer for substitution made in the present interlocutory application.

In above view of the matter, the prayer for substitution is allowed. Let the name of the deceased respondent no.5 be expunged from the array of the parties of the main writ petition and be substituted by his heirs and legal representatives, fully detailed in paragraph-2 of the instant interlocutory application, who have already entered appearance through their lawyers.

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

Re.: Civil Writ Jurisdiction Case No. 6893 of 2010

On the request 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 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 petitioner before the learned Bihar Land Tribunal, Patna within a

period of eight 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 petitioner, 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 20.04.2010 and that remained pending till date.

(Birendra Prasad Verma, J)

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