

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6799 of 2014

With

Interlocutory Application No.2258 of 2015

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Ramjee Yadav, Son Of Giran Yadav, Resident of Village- Karnamepur,
P.S. Shahpur, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar through its Circle Officer, Shahpur, District- Bhojpur
2. Prabhans Pandey, Son of Ram Bachan Pandey
3. Ashok Pandey, Son of Prabhans Pandey.
4. Kunj Bihari Pandey, Son of Satya Narayan Pandey
5. Satya Narayan Pandey, Son of Late Nagina Pandey
6. Prayag Pandey Son of Late Radha Pandey
7. Deen Bandhu Pandey Son of Late Radha Pandey.
8. Rama Nand Pandey, Son of Late Tapeshe Pandey
9. Bisheshwar Pandey, Son of Late Ram Kewal Pandey.
10. Gupteshwar Yadav, Son of Late Chandraman Yadav. All Are Resident
of Village- Karnamepur, P.S. Shahpur, District- Bhojpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque

For the Respondent No.1 : Mr. Ajay Kumar Singh, AC to SC-2

For the Respondent No. 2 to 10: Mr. Arun Kumar Pandey, Adv.

Mr. Om Prakash Upadhyay, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 19-07-2016

Re.: Interlocutory Application No. 2258 of 2015

The instant interlocutory application has been filed on behalf of the heirs and legal representatives of the sole petitioner- Ramjee Yadav stating therein that the aforesaid petitioner died on 22.12.2014 leaving behind the applicants, fully detailed in paragraph-1 of the instant interlocutory application, as his heirs and legal representatives.

The learned counsel, appearing on behalf of the petitioner submits that both the proposed heirs are major and they have entered appearance by filing their duly executed vakalatnama. Therefore, according to him, the name of sole

petitioner may be directed to be expunged from the array of the parties of the main writ petition and he be substituted by his heirs and legal representatives, mentioned in the instant interlocutory application.

The learned counsel, appearing on behalf of the respondents, do not raise any objection to the prayer for substitution.

In above view of the matter, the prayer for substitution is allowed. Let the name of the deceased petitioner- Ramjee Yadav be expunged from the array of the parties of the main writ petition and he be substituted by his heirs and legal representative, fully detailed in paragraph-1 of the instant interlocutory application, who have already entered appearance through their counsel.

The instant interlocutory application stands allowed to the extent indicated above.

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On the request of the learned counsel, appearing on behalf of the parties, the main writ petition has been taken up for consideration on merits.

Now, the substituted petitioners are aggrieved by the order dated 17.01.2014 passed by the respondent D.C.L.R., Jagdishpur (Bhojpur) in Case No. 17 of 2012-13, whereby the aforesaid case filed on behalf of the original petitioner under the provisions of The Bihar Land Disputes Resolution Act, 2009 (In short 'Act, 2009'), has been dismissed.

In the considered opinion of this Court, against the order impugned the substituted petitioners have an alternative and efficacious remedy before the prescribed appellate authority under the provisions of Section 14 of the Act, 2009.

In above view of the matter, the learned counsel appearing on behalf of the substituted petitioners seeks permission to withdraw the present writ petition with a liberty to approach the appellate authority for grant of appropriate relief(s) with respect to the lands in question.

Permission is accorded.

The writ petition stands dismissed as withdrawn with the liberty aforesaid.

(Birendra Prasad Verma, J)

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