

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.784 of 2016

In

Civil Writ Jurisdiction Case No. 23903 of 2013

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Budha Farm Pvt. Ltd. through its Director, Krishna Kumar Rungta, s/o Shri Govind Prasad Rungta, having its registered office at 407, Ashiana Plaza, Budha Marg, Patna

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna
2. The Joint Secretary, Directorate of Land Acquisition, Department of Revenue and Land Reforms Department, Govt. of Bihar, Patna
3. The Collector cum District Magistrate, Vaishali at Hajipur
4. The Superintendent of Police, Vaishali at Hajipur
5. The Deputy Collector Land Reforms, Vaishali at Hajipur
6. The Sub Divisional Officer, Mahua, Vaishali at Hajipur

.... Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Singh, Adv.
Mr. Sangeet Deokuliar, Adv.

For the Opp. Party/s : Mr. Arun Kumar, AC to GP-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 09-11-2016 Heard the parties.

The present M.J.C. application has been filed on behalf of the petitioner seeking restoration of C.W.J.C. No. 23903 of 2013, which stood dismissed for want of prosecution by an order dated 12.1.2016.

The aforesaid C.W.J.C. No. 23903 of 2013 was filed on 29.11.2013 and since then almost three years have elapsed, but all the subsequent developments, which might have taken place during the interregnum period, have not been brought on the record.

In above view of the matter, this Court is of the opinion that instead of restoring the aforesaid C.W.J.C. No. 23903 of 2013

to its original file, the interest of justice shall be sub-served if the petitioner is 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 petitioner within a period of one month from today with a certified copy of the present order, then the same shall be considered and decided on its own merit without being prejudiced/ influenced by the dismissal of C.W.J.C. No. 23903 of 2013 by aforesaid order dated 12.1.2016 and that shall not be dismissed on the ground of the principles of res judicata.

The present M.J.C. application stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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