

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11054 of 2012

With
Interlocutory Application No.6063 of 2014

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Chhotelal Yadav, S/O Late Bansi Yadav, Resident Of Village- Sikat, P.S.-
Barari, Distirct- Katihar

.... Petitioner/s

Versus

1. Yogendra Chaudhary, S/O Late Ramu Chaudhary, Resident Of Village-
Boropar Sikat, P.S.- Barari, District- Katihar
2. Sanjay Kumar Sinha S/O Late Sachidanand Sinha Resident Of Mohalla-
Yogasar, Bhagalpur, P.O. & P.S.- Kotwali, District- Bhagalpur
3. Sadneshwar Kumar Sinha S/O Late Sachidanand Sinha Resident Of
Mohalla- Yogasar, Bhagalpur, P.O. & P.S.- Kotwali, District- Bhagalpur
4. The D.C.L.R., Katihar
5. The Collector, Katihar
6. The State Of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Adv.
Mr.Parth Gaurav, Adv.

For the Respondent no.1 : Mr. Naresh Chandra Verma, Adv.
Mr.Natraj Verma, Adv.

For the Respondent nos.4to6: Mr.Nikesh Kunal, AC to SC-2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 09-08-2016

Re.-I.A.No.6063 of 2014

The learned counsel appearing on behalf of the petitioner submits that the respondent no.2 Sanjay Kumar Sinha and the respondent no.3 Sadneshwar Prasad Sinha had passed away before filing of the present writ petition, but due to inadvertence they have also been impleaded as party respondents in the present proceeding. He seeks leave of this Court to delete the name of the respondent nos.2 and 3 from the cause title of the writ petition at his own risk.

The learned counsel appearing on behalf of the respondent no.1 as also the learned State counsel appearing on

behalf of the respondent nos.4 to 6 do not raise any objection to the prayer made in the present Interlocutory Application.

In above view of the matter, the prayer to delete the name of the respondent nos.2 and 3 from the cause title of the writ petition is allowed at the own risk of the petitioner. Hence, the names of the respondent nos.2 and 3 shall be deemed to have expunged from the cause title of the present writ petition.

The present Interlocutory Application stands finally disposed of with the aforesaid observations/directions.

Re.-CWJC No.11054 of 2012

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.

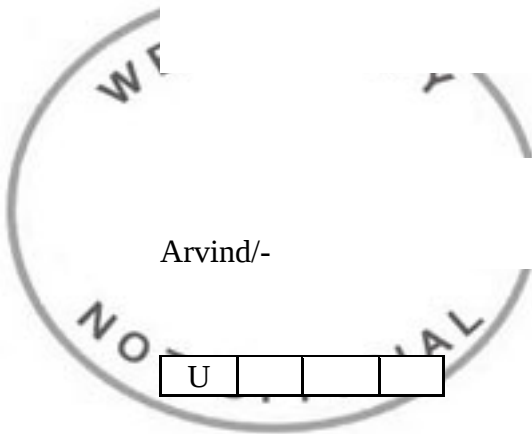
Permission is accorded.

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, which may be available to them, before the learned Bihar Land Tribunal, Patna.

If an appropriate petition is filed on behalf of the petitioner 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 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 on 28.06.2012 and that remained pending before this Court till date.



(Birendra Prasad Verma, J)

Arvind/-

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