

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1512 of 2016

In

Civil Writ Jurisdiction Case No. 8277 of 2013

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Baldeo Bin @ Baldeo Mukhia son of Late Vriksha Bin @ Vriksha Mukhia,
resident of village Shikarpur, Police Station Sikta, District West Champaran
..... Petitioner/s

Versus

1. The State of Bihar through the Collector Bettiah West Champaran
 2. The Additional Collector, Bettiah, West Champaran
 3. The Sub-Divisional Officer, Narkatiaganj, Police Station Shikarpur,
District West Champaran
 4. The Land Reforms Deputy Collector, Narkatiaganj, Police Station
Shikarpur, District West Champaran
 5. Anchal Adhikari, Anchal Sikta, Police Station Sikta, District West
Champaran
 6. Sikandar Baitha son of Ramyad Baitha
 7. Sudarsan Mukhia son of Late Heera Mukhia
 8. Nanhak Mukhia son of Late Heera Mukhia
 9. Jai Mangal Mukhia son of Late Heera Mukhia
- Respondent Nos. 6 to 9 are residents of Village Shikarpur, Police
Station Sikta, District West Champaran Opposite Parties
- =====

Appearance :

For the Petitioner/s : Mr. Shiv Kumar Dwivedy, Advocate
For the Opp.Party Nos. 1 to 5 : Mr. Intekhab Hassan, AC to AAG 13

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 19-10-2016

Heard the parties.

The present MJC application has been filed for restoration of CWJC No. 8277 of 2013, which stood dismissed for want of prosecution vide order dated 06.11.2015.

The aforesaid CWJC No. 8277 of 2013 was filed on 17.04.2013 and since then more than three and half years have already elapsed, but all the subsequent developments, which might have taken place during the interregnum period, have not been brought on the record.

In the aforesaid factual matrices, this Court is of the opinion that in stead of restoring aforesaid CWJC No. 8277 of 2013 to its original file, the interest of justice shall be subserved 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 three months from today after impleading all the necessary parties along with a certified copy of the present order, then the same shall be considered and decided on its own merits in accordance with law, but without being prejudiced by dismissal of aforesaid CWJC No. 8277 of 2013 for want of prosecution vide order 06.11.2015 and that writ petition shall not be dismissed on the ground of the principles of res judicata.

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

(Birendra Prasad Verma, J)

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