

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2330 of 2016

In

Civil Writ Jurisdiction Case No. 11376 of 2013

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1. Bharat Tiwari
2. Hare Krishna Tiwari
3. Luxman Tiwari All sons of Late Paramhans Tiwari Resident of village -
Bariswan, Police Station Shahpur, Circle Shahpur, District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director of Consolidation, Bihar, Patna
3. The Deputy Director of Consolidation Bhojpur at Ara
4. The Consolidation Officer, Shahpur, Ara, District - Bhojpur
5. Shiv Aadhar Tiwari
6. Kapil Dev Tiwari
7. Dwarika Tiwari
8. Ramadhar Tiwari
9. Komal Tiwari All sons of Late Sheo Bhuwan Tiwari Resident of village
- Bariswan, Police Station Bariswan, District - Bhojpur
10. Sheo Shankar Tiwari
11. Deo Shankar Tiwari
12. Uma Shankar Tiwari
13. Gauri Shankar Tiwari
14. Hari Shankar Tiwari All Sons of Sri Tiwari
15. Ramji Thakur
16. Shiv Jee Thakur Both Sons of Deomun
17. Ramadhar Tiwary Son of Ghar BHaran Tiwari
18. Radha Krishna Tiwari
19. Jagta Nand Tiwari Both sons of Bhuwneshwar Tiwari
20. Sheo Krishna Tiwari
21. Arjun Tiwari Both son of Jageshwar Tiwari All resident of village -
Bariswan, Police Station Bariswan, District - Bhojpur

.... Opp. Partu/s

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Appearance :

For the Petitioner/s : Mr. S.R.P. Sinha, Sr. Adv.
Mr. Sanjay Kumar, Adv.

For the Opp. Party No.1 to 4: Mr. Anuj Kumar, AC to SC-12

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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 petitioners seeking restoration of C.W.J.C. No. 11376 of

2013, which stood dismissed for want of prosecution by an order dated 9.11.2015.

The aforesaid C.W.J.C. No. 11376 of 2013 was filed on 19.6.2013 and since then more than 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. 11376 of 2013 to its original file, the interest of justice shall be sub-served if the petitioners are 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 petitioners 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. 11376 of 2013 by aforesaid order dated 9.11.2015 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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