

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11367 of 2014

With
Interlocutory Application No. 3964 of 2016

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Sheo Kumar Sinha @ Sheo Kumar Lal son of Late Gopal Lal @ Gopilal
resident of village - Tarka, Pargana Sanout, P.S. Khijir Sarai Distt. - Gaya at
Present resident of Mohalla - Kumar Colony, Maharani Road, P.S. Sadar
Kotwali Gaya, P.O. and R.S. Gaya, Distt. - Gaya

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Department of Revenue
and Land Reforms (Govt. of Bihar) Patna
2. The Commissioner, Magadh Division, Gaya
3. The Collector - Cum - District Magistrate, Gaya
4. The Land Reforms Deputy Collector, Sub - Division Nimchak Bathani,
Head Quarter at Khijir Sarai, P.S. and P.O. Khijir Sarai, District - Gaya
5. Anchal Adhikari, Khier Sarai Anchal at P.O. and P.S. Khijir Sarai,
District - Gaya
6. Circle Inspector, Khijir Sarai Anchal, At & P.O. and P.S. Khijir Sarai,
District - Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rudal Prasad, Advocate

For the Respondent/s : Mr. Shailesh Kumar, AC to GP 5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 19-09-2016

Re: I.A. No. 3964 of 2016

The instant Interlocutory Application has been filed on behalf of the heirs and legal representatives of the sole writ petitioner Sheo Kumar Sinha @ Sheo Kumar Lal stating therein that the sole petitioner died on 18.03.2016 leaving behind his heirs and legal representatives, fully detailed in paragraph 2 of the present Interlocutory Application.

The learned counsel for the petitioner submits that all the proposed heirs of deceased sole petitioner are major and they have entered appearance through their lawyer by filing their duly executed vakalatnama.

The learned State counsel appearing on behalf of the

respondents does 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 deceased sole petitioner Sheo Kumar Sinha @ Sheo Kumar Lal be expunged from array of the parties of the main writ petition and he be substituted by his heirs and legal representatives, fully detailed in paragraph no.2 of the instant Interlocutory Application.

The present Interlocutory Application stands finally disposed of with the observations and directions made above.

Re: CWJC No. 11367 of 2014

With the consent of the parties, the main writ petition has been taken up for consideration on merits.

After some argument, the learned counsel appearing on behalf of the petitioners, 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 before the learned Bihar Land Tribunal, Patna, which may be available to them.

If an appropriate petition is filed on behalf of the petitioners before the learned Bihar Land Tribunal, Patna within a

period of two months 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 petitioners for condonation of such delay, then the learned Bihar Land Tribunal, Patna shall take into consideration that on a bona fide legal advice, the present writ petition was filed before this Court on 07.07.2014 and that remained pending till date.

(Birendra Prasad Verma, J)

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