

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8692 of 2010

With

Interlocutory Application No. 5348 of 2015

And

Interlocutory Application No. 3210 of 2016

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1. Sheo Bhajan Singh S/O Late Sant Lal Singh R/O Mohalla- Bahadurpur, P.S. Sultanganj, Distt.- Patna
 2. Chandra Shekhar Singh S/O Sri Sheo Bhajan Singh R/O Mohalla- Bahadurpur, P.S. Sultanganj, Distt.- Patna
 3. Vinay Kumar Singh S/O Sri Sheo Bhajan Singh R/O Mohalla- Bahadurpur, P.S. Sultanganj, Distt.- Patna
 4. Ajay Kumar Singh S/O Sri Sheo Bhajan Singh R/O Mohalla- Bahadurpur, P.S. Sultanganj, Distt.- Patna
 5. Arun Kumar Singh S/O Sri Sheo Bhajan Singh R/O Mohalla- Bahadurpur, P.S. Sultanganj, Distt.- Patna
 6. Smt. Parwati Devi W/O Sheo Bhajan Singh R/O Mohalla- Bahadurpur, P.S. Sultanganj, Distt.- Patna
- Petitioner/s

Versus

1. The State of Bihar through the Collector, Patna
 2. The Collector, Patna
 3. The Additional Collector, Patna
 4. The Deputy Collector, Land Reforms, Patna City
 5. The Circle Officer, Patna Sadar, Patna
 6. Sri Raghunath Prasad Singh S/O Achhey Lal Singh R/O Mohalla- Bahadurpur, P.S. Sultanganj, Distt.- Patna
- Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jashawir Singh Arora, Advocate

For the Respondent No.6 : Mr. Ganpati Trivedi, Sr. Advocate

Mr. Madan Mohan, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

8 02-05-2016

Re: I.A.No. 5348 of 2015 and I.A.No. 3210 of 2016

Interlocutory Application No. 5348 of 2015 has been filed on behalf of the surviving petitioners stating therein that, during the pendency of the present writ petition, petitioner no.1 Sheo Bhajan Singh died on 14.12.2011 leaving behind his heirs and legal representatives, who are already on the record as petitioner nos. 2 to 6.

The learned counsel appearing on behalf of the

petitioners submits that, in above view of the matter, the name of writ petitioner no.1 may be directed to be expunged from the array of the parties of the main writ petition and it may be noted that his heirs and legal representatives are already on the record as petitioner nos. 2 to 6.

Interlocutory Application No. 3210 of 2016 has been filed on behalf of the surviving petitioners stating therein that, during the pendency of the present writ petition, petitioner no.6 Smt.Parwati Devi has also died on 19.07.2015 leaving behind her heirs and legal representatives, who are already on the record as petitioner nos. 2 to 5.

The learned counsel appearing on behalf of the petitioners submits that, in above view of the matter, the name of writ petitioner no.6 may also be directed to be expunged from the array of the parties of the main writ petition and it may be noted that her heirs and legal representatives are already on record as petitioner nos. 2 to 5.

Though, none appears on behalf of the State of Bihar and its functionaries, but the learned counsel appearing on behalf of the respondent no.6 does not raise any objection to the prayer for substitution made in the aforesaid two Interlocutory Applications.

In above view of the matter, the prayers for substitution made in the above two Interlocutory Applications are allowed.

Let the names of the petitioner no.1 Sheo Bhajan Singh and the petitioner no.6 Smt. Parwati Devi be expunged from array of the parties of the main writ petition and it be recorded that their heirs are already on record as petitioner nos. 2 to 5

Both the above Interlocutory Applications stand

finally disposed of with the observations and directions made above.

CWJC No. 8692 of 2010

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 respondent no.6, 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 one month 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 14.05.2010 and that remained pending till date.

(Birendra Prasad Verma, J)

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