

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.246 of 1998

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BHOLA MUKHIYA

... .. Appellant/s

Versus

THE STATE OF BIHAR & ORS

... .. Respondent/s

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Appearance :

For the Appellant/s :

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 05-09-2017 This appeal has been filed under Clause 10 of the Letters Patent challenging order dated 09.02.1998 passed by the Writ Court in CWJC No.606 of 1998.

The issue involved in the writ petition that was filed in the year 1998 pertains to settlement of the terms with regard to use of the tank in question situated in the District of Darbhanga. The tank was settled for a period of 10 years from 1996-97 to 2005-06 and when adverse action was taken in the year 1997 after settling the tank for a period of 10 years, the impugned action was challenged. However, after the orders were passed by the writ Court allowing CWJC No.496 of 1998 and CWJC No.606 of 1998 and dismissing CWJC No.524 of 1998, at the instance of the respondents of CWJC No.606 of 1998, the matter came to



this Court and while admitting the matter, the order passed by the High Court was directed to be stayed on 20th May, 1998 and thereafter the position of stay continued and now with the passage of time, the period for which the settlement of the tank was undertaken has already expired in the year 2005-06 and therefore, with the passage of time, this appeal is now rendered infructuous. It is, accordingly, disposed of as having been rendered infructuous.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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