

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1117 of 2014

IN

Civil Writ Jurisdiction Case No. 811 of 2013

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1. Acharya Abhishek Anant Dwivedi, Son of Late Gouri Nath Dwivedi @ Dharma Nath Dwivedi, resident of Chhoti Patan Devi, P.S.- Chowk, District- Patna

.... Appellant/s

Versus

1. Bihar State Board of Hindu Religious Trust Board, Vidyapati Marg, Patna- 800001 Through its President of the Board
2. S.D.O. Patnacity as Chairman of the proposed Managing Committee of Chhoti Patan Devi
3. Shri Lakshmi Narain Arora, Father's name not known to the petitioner/Appellant resident of Chhoti Patan Devi, Patnacity, Patna
4. Ram Nand Tiwari, Advocate, Father's name not known to the petitioner/Appellant, resident of Tiwari Gali Near Chhoti Patan Devi Gadli, Patnacity, Patna-8
5. Sri Bishambhar Nath Tiwai, Father's name not known to the petitioner/Appellant, resident of Chhoti Patandevi Gali, Patnacity, Patna-8
6. Shri Ramji Mishra Manohar, Father's name not known to the petitioner/Appellant, resident of Kali Asthan, Patnacity, Patna-8
7. Sri Sarwan Gope, Father's name not known to the petitioner/Appellant, resident of Hari Mandir Gali, Patnacity, Patna- 8
8. Shri Moti Lall Khatan, Father's name not known to the petitioner/Appellant, resident of Rajendra Nagar Road No. 6, Near Hospital, Patna- 800004
9. Shri Sita Ram Pandey, Father's name not known to the petitioner/Appellant, resident of near Near Junction of Harimandir Gali and Chhoti Patan Devi Gali, Patnacity- 800008

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr Dhruv Narain, Sr. Advocate Mr. Ravindra Kumar Shukla
For the Respondent Board	:	Mr.Ganpati Trivedi, Sr. Advocate Mr Manoj Kumar
For the Private Respondents	:	Mr O.P.Agrawal Mr Ashok Kumar Sinha No.2

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 24-04-2017



Copy of the order passed in Misc. Review Case No.317 of 2012 has been produced today. A perusal thereof, it is evident that the appellant himself had withdrawn the miscellaneous case and it was dismissed as withdrawn on 02.12.2014.

Any question of law raised by the appellant will be tested on its own merit and the settled principle. The objection of the learned senior counsel that the learned Single Judge has observed that an unprobated Will cannot be considered, will be treated as an observation as a passing reference in the given facts in adjudication of the writ application on 16.05.2014 as facts stood then. Nothing further is required to be adjudicated in the present appeal. Appellant has remedy in law within the statutory provisions which governs such issue.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

sk

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.4.2017
Transmission Date	NA

