

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1277 of 2013

IN

Civil Writ Jurisdiction Case No. 7913 of 1993

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1. Firoz Khan S/O- Biby Kaniz Fatima Resident Of Village- Bantara, P.O.- Bantara, P.S.- Deokund, District- Aurangabad. Proposed Legal Heirs And Representative Of Deceased Sole Petitioner Vide I.A. No. 703 Of 2009
 2. Auranzeb Khan S/O- Biby Kaniz Fatima Resident Of Village- Bantara, P.O.- Bantara, P.S.- Deokund, District- Aurangabad. Proposed Legal Heirs And Representative Of Deceased Sole Petitioner Vide I.A. No. 703 Of 2009
 3. Surfaraz Khan S/O- Biby Kaniz Fatima Resident Of Village- Bantara, P.O.- Bantara, P.S.- Deokund, District- Aurangabad. Proposed Legal Heirs And Representative Of Deceased Sole Petitioner Vide I.A. No. 703 Of 2009
 4. Mehdi Hassan Khan Son Of Pre-Deceased Of Son Of The Sole Petitioner Namely Ali Imam Khan Resident Of Village- Bantara, P.O.- Bantara, P.S.- Deokund, District- Aurangabad. Proposed Legal Heirs And Representative Of Deceased Sole Petitioner Vide I.A. No. 703 Of 2009

.... Appellants

Versus

1. The Joint Director Of Consolidation Magadh Division, Gaya
2. The Deputy Director Of Consolidation, Gaya, Nawada, Aurangabad
3. The Consolidation Officer, Goh, Aurangabad Null Null
4. The Consolidation Officer, Arwal, Jehanabad
5. Md. Natique Khan S/O- Late Wahab Khan Resident Of Village- Bantara, P.O.- Bantara, P.S.- Deokund, District- Aurangabad
6. Md. Ali Khan S/O- Late Abdul Ahad Khan Resident Of Village- Bantara, P.O.- Bantara, P.S.- Deokund, District- Aurangabad
7. Tohra Khatoon Wife Of Late Shamiuddin Khan Resident Of Village- Bantara, P.O.- Bantara, P.S.- Deokund, District- Aurangabad
8. Mahfooz Khan Daughter Of Late Shamiuddin Khan, Wife Of Irshad Khan Resident Of Village- Bantara, P.O.- Bantara, P.S.- Deokund, District- Aurangabad
9. Kharshuda Khatoon Daughter Of Late Shamiuddin Khan, Wife Of Sallan Khan Resident Of Village- Bantara, P.O.- Bantara, P.S.- Deokund, District- Aurangabad
10. Nazima Sighra Daughter Of Late Shamiuddin Khan, Wife Of Sheiz Khan Resident Of Village- Bantara, P.O.- Bantara, P.S.- Deokund, District- Aurangabad
11. Shaheen Nazeer Khan Son Of Late Shamiuddin Khan Resident Of Village- Bantara, P.O.- Bantara, P.S.- Deokund, District- Aurangabad
12. Taufiquzzaman Khan Son Of Late Shamiuddin Khan, Guard, Railway Station, Sahdaul, District- Sahdaul (Madhya Pradesh). Substituted Legal Heirs And Representative Of Deceased Respondent No.- 8 Of The Writ Petition
13. Abdul Quadir Khan Son Of Late Md. Mobin Khan Resident Of Village- Bantara, P.O.- Bantara, P.S.- Deokund, District- Aurangabad. Proposed Legal Heirs And Representative Of Deceased Respondent No.- 8 Md. Mobin Khan Vide I.A. No. 795 Of 2009
14. Md. Shah Nawaz Khan Son Of Late Md. Mobin Khan Resident Of Village- Bantara, P.O.- Bantara, P.S.- Deokund, District- Aurangabad. Proposed Legal Heirs And Representative Of Deceased Respondent No.- 8 Md. Mobin Khan Vide I.A. No. 795 Of 2009
15. Md. Mokaram Khan Son Of Late Md. Mobin Khan Resident Of Village- Bantara, P.O.- Bantara, P.S.- Deokund, District- Aurangabad. Proposed Legal Heirs



And Representative Of Deceased Respondent No.- 8 Md. Mobin Khan Vide I.A. No. 795 Of 2009

16. Md. Numan Khan Son Of Late Md. Mobin Khan Resident Of Village- Bantara, P.O.- Bantara, P.S.- Deokund, District- Aurangabad. Proposed Legal Heirs And Representative Of Deceased Respondent No.- 8 Md. Mobin Khan Vide I.A. No. 795 Of 2009

17. Sahin Ara Khatoon Daughter Of Late Md. Mobin Khan Resident Of Village- Bantara, P.O.- Bantara, P.S.- Deokund, District- Aurangabad. Proposed Legal Heirs And Representative Of Deceased Respondent No.- 8 Md. Mobin Khan Vide I.A. No. 795 Of 2009

18. Sukhali Khatoon Daughter Of Late Md. Mobin Khan Resident Of Village- Bantara, P.O.- Bantara, P.S.- Deokund, District- Aurangabad. Proposed Legal Heirs And Representative Of Deceased Respondent No.- 8 Md. Mobin Khan Vide I.A. No. 795 Of 2009

19. Rizwana Khatoon Daughter Of Late Md. Mobin Khan Resident Of Village- Bantara, P.O.- Bantara, P.S.- Deokund, District- Aurangabad. Proposed Legal Heirs And Representative Of Deceased Respondent No.- 8 Md. Mobin Khan Vide I.A. No. 795 Of 2009

.... Respondents

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Appearance :

For the Appellants : Mr. R.S.Pradhan, Sr. Advocate
Mr. Amrendra Narayan Rai, Advocate
Mr. Ranjeet Choubey, Advocate
Mr. Jainendar Pradhan, Advocate

For the Respondent/s : Mr.

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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: 14-02-2017

I.A. No. 7302 of 2013, which is a prayer for grant of leave to present the present appeal is allowed in the circumstances indicated in the said Interlocutory Application.

In view of the decision rendered in the case of *State of Bihar and Ors. Vs. Ramesh Prasad and Anr.*, reported in 2015 (1) PLJR 645, which is a Division Bench judgment overruling *Sukh Bilas Roy & Ors. Vs. The State of Bihar & Ors.* as well as



explaining **Puran Singh Vs. State of Punjab**, (1996) 2 SCC 205, this appeal is required to be allowed. The impugned order dated 24.07.2013 passed by the learned single Judge in C.W.J.C. No. 7913 of 1993 is set aside. Matter is remanded back for fresh consideration by the learned single Judge on merits of the matter.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.02.2017
Transmission Date	N/A

