

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14988 of 2010

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Saryug Paswan

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kr.Agrawal

For the Respondent/s : Mr. (Gp18)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

8 21-06-2017 No one appears on behalf of the petitioner on repeated calls.

Learned counsel for the private respondent no. 6 as well as learned counsel for the State is present.

The Office has reported that this writ petition stood rejected on 02.05.2016 as against respondent nos. 4 and 5 due to non compliance of the court's peremptory order dated 18.04.2016 and, accordingly, the office has sought direction of this Court as to whether this matter may proceed against the remaining respondents.

It would appear from perusal of the record that petitioner filed a petition under section 48E of Bihar Tenancy Act before DCLR Forbesganj, Araria and on the basis of above stated petition, case no. 97/06-07 was registered.

However, during the pendency of the aforesaid



petition, respondent no. 6 appeared and filed a petition to implead him as party of the aforesaid proceeding as he had already been declared Bataidar of the disputed plots in Case no.515/1979-80 and, thereafter the learned DCLR rejected the petition filed by the petitioner passing impugned order dated 16.06.2014.

In view of the aforesaid facts and circumstances and taking note of this fact that respondent nos. 4 and 5 happen to be ex-landlord, in my view, this writ petition cannot proceed against the remaining respondents in absence of respondent nos. 4 and 5.

Accordingly, this petition stands dismissed.

(Hemant Kumar Srivastava, J)

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