

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1147 of 2014
IN
Civil Writ Jurisdiction Case No. 6101 of 2007**

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1. Dinesh Prasad Yadav
2. Dipnarayan Yadav Both sons of Late Govind Prasad Yadav
3. Neelam Devi Wife of Late Babulal Yadav. All resident of Mohalla - Jabbaripur,
Police Station - Barari, District - Bhagalpur.

.... Appellant/s

Versus

1. Smt. Mandira Devi Wife of Sri Udainarayan Singh Resident of Village -
Narayanpur, Police Station - Asarganj, District - Munger, at present residing at
Anandgarh, Police Station - Tilkamanjhi, District - Bhagalpur.
2. The State of Bihar.
3. The Member, Board of Revenue, Bihar, Patna.
4. The Commissioner, Bhagalpur Division Bhagalpur.
5. The Collector, Bhagalpur.
6. The Deputy Collector, Land Reforms, Sadar, Bhagalpur.
7. The Bhagalpur Municipal Corporation, Bhagalpur, through its Chief Executive
Officer.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Diwakar Yadav
For the Respondent/s : Mr. Ansuman Singh, AC to PAAG-1

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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: 10-04-2017

Heard learned for the appellants, counsel for the State
and the private-respondent.

The order, dated 01.04.2014 is set aside. Appeal is
allowed. Matter is remanded back to the Learned Single Judge to
decide the matter afresh, keeping in mind that when the impugned
order was passed on 01.04.2014, by that time, Respondent No. 8



had already died on 16.10.2013 and as stated in I. A. No. 6582 of 2014 this position was made known.

Since the order of the Learned Single Judge could not have been passed against a dead person, and besides it also has a fall out upon the legal heir or heirs of the said respondent, the impugned order is required to be interfered with.

The Court, however, expresses no opinion on the merit of the dispute. So it is a limited remand.

The Court below shall ensure that the legal heir or heirs of Respondent No. 8 in the writ application are brought on record before deciding the matter afresh.

Appeal is allowed to the extent, indicated above.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
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