

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6479 of 2020

Krishnadeo Bhagat

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Respondent/s : Mr. Md.Khurshid Alam (Aag12)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

9 13-10-2022 Heard the parties.

The following order was passed on 22.06.2022:

“Heard the parties.

It is contended by the learned counsel for the petitioner that a proceeding was initiated against the dead father of the petitioner.

Issue notice to the respondent No. 6 by both modes under registered cover with A/D as well as talbana etc. for which requisite etc. must be filed within one week from today.

Put up this case after six weeks.

In the meantime, learned counsel for the State may file counter affidavit.

During the pendency of the writ petition, operation of the orders as contained in Annexures 3 and 8 shall remain stayed”.

Respondent No. 6 has appeared through the learned counsel and counter affidavit has been filed by the respondent No. 6 in which he had evaded to give reply to Paragraph 17 of the writ petition which is as follows:

“That it is stated and submitted that father of the petitioner died on 08.08.1996 and after his death the Basgit Purcha Case in question was initiated and as such the question of raising

objection by him does not arise and this fact has not been properly considered by the Respondent District Collector and even this fact was not also considered by him no notice has ever to been issued to the father of the petitioner with regard to Basgit Parcha case in question”.

It is, therefore, an admitted fact that the father of the petitioner died on 08.08.1996 and the proceeding has been initiated against a dead person, therefore, the orders passed in a proceeding against a dead person is nullity.

Considering the aforesaid, impugned orders as annexed in Annexure-3, Annexure-4 and Annexure-8 are hereby quashed.

The respondents are given liberty to initiate a fresh proceeding in accordance with law, if permissible in law.

With the aforesaid observation and direction, this application is allowed.

(Sandeep Kumar, J)

Shishir/Vikas

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