

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1932 of 2023

In
Civil Writ Jurisdiction Case No.146 of 2007

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1. Ram Swarup Prasad Yadav S/o Late Madhusudan Prasad Yadav At Present Resident of Krishnapuri, Near Kali Mandir, Manaitand, P.O. and P.S. and District-Dhanbad (Jharkhand).
 2. Ragunandan Yadav S/o Late Basudeo Yadav At Present Resident of Krishnapuri, Near Kali Mandir, Manaitand, P.O. and P.S. and District-Dhanbad (Jharkhand).
 3. Prakash Chandra Yadav S/o Late Tarni Prasad Yadav At Present Resident of Krishnapuri, Near Kali Mandir, Manaitand, P.O. and P.S. and District-Dhanbad (Jharkhand).
 4. Devendra Jha S/o Late Shyam Sundar Jha At Present Resident of Krishnapuri, Near Kali Mandir, Manaitand, P.O. and P.S. and District-Dhanbad (Jharkhand).
 5. Nathe Lal Bihari S/o Sonhan Mahato Resident of Village-Gosaindaspur, Police Station-Nathnagar, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate Cum Collector Bhagalpur, District-Bhagalpur.
3. The Anchal Adhikari, Anchal Nathnagar, P.S.-Nathnagar, District-Bhagalpur.
4. The Circle Inspector, Nathnagar Anchal, P.S.-Nathnagar, District-Bhagalpur.
5. The Panchayat Samiti, Gosaindasur Gram Panchayat, through Pramukh, Nathnagar, Prakhand, P.S.-Nathnagar, District-Bhagalpur.
6. Shamsher Singh Yadav Son of Muni Prasad Yadav Member, Panchayat Samiti, Gosaindaspur Gram Panchayat, P.S.-Nathnagar, District Bhagalpur at Present Resident at Nathnagar P.S. Nathnagar, District-Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Advocate
For the Opposite Party/s : Mr. Md. Khurshid Alam (AAG-12)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER



3 13-10-2023 Heard Mr. Ashutosh Kumar, learned counsel
appearing on behalf of the petitioners and the learned counsel
for the State.

2. The petitioners by filing the present application seeking restoration of C.W.J.C. No. 146 of 2007 to its original record, which was dismissed for want of prosecution *vide* order dated 03.02.2012 passed by a bench of this Court in C.W.J.C. No. 146 of 2007.

3. It is submitted that despite the writ petition having been dismissed way back in the year 2012, the petitioners have not been informed by their conducting counsel and as such they were not knowing with regard to the dismissal of the writ petition. He further submits that when the petitioners came to know that their conducting advocate Mr. Amar Nath died on 30.06.2023, they came here and collected their files from which it transpired that the writ petition has already stood dismissed on 03.02.2012 itself.

4. On a query made by this Court to the learned counsel for the petitioners, he has submitted that the matter related to the removal of the encroachment.

5. Considering the fact that this restoration application has been filed after delay of more than ten years, this Court is



not persuaded to restore the writ petition, however, it is needless to observe that the petitioners are always at liberty to file fresh application for removal of encroachment, if the same still persists.

6. Accordingly, the present restoration application stands rejected.

(Harish Kumar, J)

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