

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17609 of 2017

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Md. Sarwar Alam son of late Sammiuddin resident of village Lachhaminia,
Police Station Salkhua, District Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors.
2. The District Magistrate, Saharsa.
3. The Circle Officer, Banama Ithari, District - Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Nath Dubey
For the Respondent/s : Mr.Raj Kishore Roy - Gp-18

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-04-2024 Heard Mr. Ravindra Nath Dubey, learned counsel
for the petitioner as also learned AC to G.P.-18.

2. Though the petitioner challenged the order dated 02.12.2014 by which his claim for mutation of land was rejected, he submits that during the pendency of the writ petition, the sole petitioner is now dead. It is his further submission that as per the counter affidavit of the Circle Officer, Banma Ithari, Saharsa, appeal would have lie before the Land Reforms Deputy Collector within 30 days (paragraph 5 of the counter affidavit). He submits that now the petitioner is no more, the writ petition has to abate, liberty be granted to the heirs to file an appeal condoning the delay as the writ petition was pending.



3. In that view of the matter, the writ petition stands abated but with observation that if the heirs file an appeal within four weeks from today, the same shall be taken into consideration in the background of the fact that the writ petition was pending for 7 years before this Court.

(Rajiv Roy, J)

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