

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.69 of 2025

In
Civil Writ Jurisdiction Case No.8642 of 2024

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Bishwanath Das S/o- Late Krishna Das Resident of Ward No.- 26, Chimani
Ghat, Post- Jhauganj, P.S.- Chowk, Dist.- Patna, State- Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms Govt. of Bihar, Patna.
2. The Collector, Patna.
3. The District Land Acquisition Officer, Patna.
4. The Managing Director, Bihar State Road Development Corporation Ltd., Near Patna Airport, Patna.
5. The Dy. General Manager, Bihar State Road Development Corporation Ltd., Raja Ghat, Guljarbagh, Patna City.
6. The Patna Municipal Corporation, having its office at Mauryalok Corporation, Dak Bunglow Road, Patna through its Municipal Commissioner,
7. The Municipal Commissioner, Mauryalok Complex, Dak Bunglow Road, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar Bijpuria
For the Opposite Party/s	:	AAG-4
For PMC	:	Mr. Prasoon Sinha, Sr. Advocate
For BSRDC	:	Mr. Manishdhari Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 07-02-2025 1. Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the State, learned counsel for the
PMC and the learned counsel appearing on behalf of the Bihar
State Road Development Corporation.
2. The learned counsel appearing on behalf of the
petitioner submits that the present modification application has



been filed for recalling the order dated 19.12.2024 in CWJC No. 8642 of 2024 whereby the writ application was permitted to be withdrawn.

3. The learned counsel for the petitioner submits that the name of the petitioner of CWJC No. 8642 of 2024 is Biswanath Das. It is next submitted that Biswanath Das had also filed CWJC No. 14463 of 2017. It is submitted that grievance of Bishwanath Das in CWJC No. 14463 of 2017 was redressed. It is submitted that CWJC No. 8642 of 2024 was listed before this Court on 19.12.2024 and the *lis* was surviving but inadvertently the said CWJC No. 8642 of 2024 was sought to be withdrawn on the ground thinking that the *lis* does not survive, it is submitted that the said confusion arose as the counsel for the petitioner was under an impression that it was CWJC No. 14463 of 2017 which was on the list.

4. The learned counsel for the petitioner accepts his inadvertence and submits that if the order dated 19.12.2024 in CWJC No. 8642 of 2024 is not recalled that will cause injustice to the petitioner. It is also submitted that petitioner has subsequently withdrawn CWJC No. 14463 of 2017.

5. The learned counsels appearing on behalf of the respondents object the submissions made by the learned counsel



appearing on behalf of the petitioner and submits that petitioner be directed to file a fresh writ application, on which the learned counsel appearing on behalf of the petitioner submits that it absolutely does not stand to reason that if order dated 19.12.2024 in CWJC No. 8642 of 2024 is recalled, the writ will revive and once the writ will revive, then the same shall also be adjudicated on merit by this Court, similarly, if a fresh writ application is filed that will also require adjudication by this Court.

6. After hearing the learned counsel for the parties, the order dated 19.12.2024 in CWJC No. 8642 of 2024 is recalled and the office is directed to list CWJC No. 8642 of 2024 on 03.03.2025.

(Satyavrat Verma, J)

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