

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1995 of 2023

In
Civil Writ Jurisdiction Case No.11297 of 2011

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1. Shekh Atiullah @ Bablu Son of Shekh Nasrullah, resident of Village-Bhataura, P.O. Khair Pokhara, Police Station-Bagaha, District-West Champaran.
 2. Shekh Nabiullah, son of Shekh Nasrullah, resident of Village-Bhataura, P.O. Khair Pokhara, Police Station-Bagaha, District-West Champaran.
 3. Shekh Nasrullah, son of Shekh Abullah, resident of Village-Bhataura, P.O. Khair Pokhara, Police Station-Bagaha, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Addl. Member Board of Revenue, Bihar, Patna.
3. The Collector, West Champaran, Bettiah.
4. The Land Reforms Deputy Collector, Bagaha, District-West Champaran.
5. Vijay Kumar @ Vijay Kumar Dubey, son of Sri Sant Prasad, resident of Mohalla-Ahirni Tola, P.O., and P.S. Bagaha, District-West Champaran.
6. Md. Rafique, Son of Late Md. Jumrati Mian, resident of Village-Ratanmola, P.O. and P.S. Bagaha, District-West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shive Kumar, Adv.
For the Opposite Party/s : Mr. Md. Khurshid Alam, AAG-12

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 12-09-2025

Heard the parties.

2. The instant application is filed for restoration of C.W.J.C. No. 11297 of 2011, which stood dismissed for default due to non-compliance of the peremptory order dated 29.03.2017.

3. Attention has been drawn to the order dated 16.08.2019, the copy of which has been marked as Annexure-2



to the present application.

4. On perusal of the order, it appears that the matter was further placed before a Bench of this Court for clarification as to whether the writ petition can proceed in the absence of respondent no.6. The Court on being found that since the matter has arisen out of a proceeding under Section 16(3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, in the absence of respondent no.6, the writ application cannot proceed and accordingly it stood dismissed as a whole.

5. Having considered the afore-noted order passed by a co-ordinate Bench, this Court does not find the present restoration application is maintainable. Accordingly, it stands dismissed.

6. However, the petitioner shall be at liberty to take further legal recourse.

(Harish Kumar, J)

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