

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Writ Jurisdiction)
W.P. (C) No. 5328 of 2004

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Mosomat Lupsi Devi & Others Petitioners
Versus
State of Jharkhand & Others Respondents

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO

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For the Petitioners : Mr. Nehru Mahto, Advocate.
For the Respondent/State : Mr. Ratnesh Kumar, S.C. (L&C)-I.
For the Respondent No. 2 : Mr. Altaf Ahmad, Advocate.
For the Respondent No. 3 : Mr. Bhaiya Vishwajeet Kumar, Advocate.

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08/03.08.2022.

Learned counsel for the petitioners, Mr. Nehru Mahto has submitted, that I.A. No. 3385/2019 has been filed on 05.04.2019 for substitution of respondent no. 5 Lalchandra Manjhi, who died on 13.06.2010 during pendency of the writ petition, leaving behind his legal heirs as mentioned in para-6 of the Interlocutory Application, which are as follows:-

- (a) Phulchand Manjhi - Son.
- (b) Simat Ram Manjhi - Son.
- (c) Talo Ram Manjhi - Son

All resident of Village – Simrabera, P.O. - Kander, P.S. - Mahuatand, District – Bokaro.

Learned counsel for the petitioners has further submitted, that I.A. No. 3385/2019 has also been filed for substitution of respondent no. 11 Budhna Manjhi, who died on 05.09.2018 during pendency of the writ petition, leaving behind his legal heirs as mentioned in para-7 of the Interlocutory Application, which are as follows:-

- (a) Mosomat Dholi Devi - Wife.
- (b) Babuchand Kisku - Son.
- (c) Laldeo Kisku - Son.
- (d) Mohar Lal Kisku - Son.

All resident of Village – Simrabera, P.O. - Kander, P.S. - Mahuatand, District – Bokaro.

Learned counsel for the petitioners has thus submitted, that notice may be issued upon the proposed legal heirs of respondent nos. 5 & 11.

Learned counsel for the respondents / State, Mr. Ratnesh Kumar, S.C. (L&C)-I has no objection.

Learned counsel for the petitioners has further submitted, that the writ petition has already been admitted on 23.03.2011 by the Coordinate Bench of this Court.

Learned counsel, Mr. Altaf Ahmad on the instruction of learned counsel for the respondent no. 2, Mr. Afaq Ahmad has submitted, that in the meantime, during pendency of writ petition, respondent no. 2 Md. Irfan Khan @ Irfanullah has also died.

Learned counsel, Mr. Bhaiya Vishwajeet Kumar appearing for respondent no. 3 has submitted that copy of I.A. No. 3385/2019 has not been served upon him.

Considering the same, let notice be issued upon the proposed legal heirs of respondent nos. 5 & 11, both in main petition as well as in I.A. under Speed Post, for which requisites etc. must be filed by Friday i.e. 05.08.2022.

Learned counsel for the petitioners is further directed to take steps for substitution of respondent no. 2 by filing interlocutory application and also serve copy of I.A. No. 3385/2019 upon learned counsel for the respondent no. 3.

Let the matter appears after service of notice or after filing of the Interlocutory Application.

(Kailash Prasad Deo, J.)

Sunil/-