

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 1063 of 2021

Binoda Nand Tripathy & Others Petitioners
Versus
State of Jharkhand & Others Respondents

CORAM : HON'BLE MR. JUSTICE DR. S.N. PATHAK
(Through Video Conferencing)

For the Petitioner : Mr. Saurav Arun, Advocate
For the Respondent-State : Mr. Nehru Mahto, AC to GP-IV
For the Respondent No.4&5 : Mr. A.K. Mehta, Advocate

I.A. No. 4300 of 2021

7/ 08.09.2021 The instant Interlocutory Application has been filed for substitution of petitioner No.3, Asit Biswas, who died on 11.6.2021 during the pendency of this writ petition.

Learned counsel for the petitioners submits that petitioner No.3 left for his heavenly abode leaving behind his legal heirs/representatives and in the interest of justice and proper adjudication of the case, the name of widow of deceased petitioner, as mentioned in para No.5 of the instant interlocutory application may kindly be substituted in his place.

Learned counsel for the respondents have no objection to such prayer.

Having heard the learned counsel for the parties and on being satisfied with the grounds taken in the instant Interlocutory Application, the name of petitioner No.3 is allowed to be deleted from cause title of the main writ petition and in his place, name of his widow, Pala Biswas, as mentioned in para-5 of the said interlocutory application be substituted, within a period of two weeks'.

Office is directed to make suitable corrections in the cause title of the main writ petition as also in other records.

Accordingly, I.A. No.4300 of 2021 stands allowed.

W.P.(S) No. 1063 of 2021

Pursuant to the order dated 12.8.2021, two weeks' time by way of last chance was given to the learned counsel for the respondent-State to file counter affidavit, but the same has not been filed till date.

It has been submitted by Mr. Nehru Mahto, AC to GP-IV that counter affidavit has been prepared and the same is ready for filing, which shall be filed today itself.

Mr. Saurav Arun, learned counsel appearing for the petitioner places heavy reliance upon the judgment of this Court passed in W.P.(S) No. 3962 of 2016 and submits that the issue involved in the present writ petition is no more *res integra* and as such, in view of the order passed by this Court, the present writ petition should be disposed of with the direction to the respondents to redress the grievance of the petitioners.

Put up this case on 28.9.2021 for final disposal.

(Dr. S. N. Pathak, J.)