

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20283 of 2014

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Birender Kumar Singh s/o Late Jainaran Singh, r/o, Deokuli, P.S.- Bihta,
Distt.- Patna

.... Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar at Patna
2. Principal Secretary, Department of Revenue and Land Reform, Govt. of Bihar at Patna
- 3.. Additional District Magistrate, Revenue and Land Reform, Patna at Patna
4. D.C.L.R., null Revenue and Land Reform, Patna Sadar at Patna
5. Circle Officer, Revenue and Land Reform, Patna Sadar at Patna
6. Director, Animal Husbandary Department, Govt. of Bihar, Patna
7. Chairman, Bihar Pinjra Pole Federation, Head Office, Bihta, Patna

.... Respondents

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Appearance :

For the Petitioner : M/s Banwari Sharma,
Amresh Kumar Sinha, B.K.Singh and
S.N.Sharma, Advocates

For the State : Mr. R.R.K. PANDEY, SC 29

For Respondent No. 7 : Mr. Shantanu Kumar, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT
Date: 06-04-2015

I have heard the parties.

The petitioner is aggrieved by the order dated 16.9.2014
passed by the Bihar Land Tribunal in B.L.T. Case No. 487 of 2014 by
which his application filed before it has been dismissed on the

ground of delay holding that the delay was intentional and deliberate and it is of about 486 days.

The petitioner had earlier approached this Court by filing C.W.J.C. No. 8680 of 2013 challenging the order dated 16.3.2014 passed by Additional District Magistrate, Revenue and Land Reforms, Patna in Revision Case No. 38/2012-13. However, the petitioner withdrew this application to move before the Bihar Land Tribunal for redressal of his grievance which was permitted to withdrawn on 20.6.2014 vide Annexure 16. Accordingly, the petitioner filed his application on 15.7.2014. A petition for condoning the delay was also filed before the Bihar Land Tribunal which has brought on record as Annexure 18 appended with supplementary affidavit. It appears from perusal of the application that for challenging the order dated 16.3.2014 passed by the Additional District Magistrate, Revenue and Land Reforms, Patna the C.W.J.C. No. 8680 of 2013 was filed on 8.4.2013, i.e., within 30 days from the date of passing of such order. The matter remained pending before this Court. Finally the writ application was dismissed as withdrawn with liberty to move before the Bihar Land Tribunal vide order dated 20.6.2014. The petitioner, after pronouncement of order on 20.6.2014, had filed the case before the Tribunal on 15.7.2014.

It appears from the order of the Tribunal that the entire

period during which the case remained pending before this Court has been treated to be deliberate delay caused by petitioner. In my considered opinion, that could not have been done by the Tribunal. The writ application having been filed within 30 days and the application having been filed before the Tribunal within 30 days of withdrawal of the writ application permitting the petitioner to move before Tribunal, cannot be treated as deliberate and willful delay of 486 days.

In my considered opinion, in view of the provisions contained in Section 14 of the Bihar Land Tribunal Act, 2011 and in view of grounds given by the petitioner in the petition filed for condonation of delay, that should have been condoned and the matter should have been heard and disposed of on its own merit .

Accordingly the impugned order dated 16.9.2014 contained in Annexure 18 is quashed and set aside. The matter is remitted back to the Bihar Land Tribunal for fresh consideration on its own merit and in accordance with law.

(Dr. Ravi Ranjan, J)

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