

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3846 of 2015

Mukul Shankar Singh son of Late Krishna Kumar Singh, Resident of Nagina Bhawan , Gandhi Nagar, Ward No. 28, Dehri-on-Sone, Rohtas, Bihar.

.... Petitioner

Versus

- 1. The State of Bihar.
- 2. The Collector, District Rohtas, Bihar.
- 3. The Deputy Collector, Land Reforms, Dehri-on-Sone, Rohtas, Bihar.
- 4. The Circle Officer, Debu Block, Dehri, District- Rohtas.
- 5. Manoj Shankar Singh son of Late Krishna Kumar Singh, Resident of Mohalla-Gandhi Nagar, Dehri-on-Sone,k Rohtas, Bihar.

.... Respondents

with

Civil Writ Jurisdiction Case No. 3849 of 2015

Mukul Shankar Singh, son of Late Krishna Kumar Singh, Resident of Nagina Bhawan, Gandhi Nagar, Ward No.28, Dehri-on-sone, Rohtas, Bihar.

.... Petitioner

Versus

- 1. The State of Bihar.
- 2. The Collector, District Rohtas, Bihar.
- 3. The Deputy Collector, Land Reforms Dehri-on-Sone, Rohtas, Bihar.
- 4. The Circle Officer, Dehu Block, Dehri, District- Rohtas.
- 5. Manoj Shankar Singh Son of Late Krishna Kumar Singh, Resident of Mohalla-Gandhi Nagar, Dehri- On-Sone, Rohtas, Bihar.

.... Respondents

with

Civil Writ Jurisdiction Case No. 3879 of 2015

Mukul Shankar Singh, son of Late Krishna Kumar Singh, Resident of Nagina Bhawan, Gandhi Nagar, ward No-28, Dehri-on-Sone, Rohtas, Bihar.

.... Petitioner

Versus

- 1. The State of Bihar.
- 2. The Collector, District Rohtas, Bihar. null null
- 3. The Deputy Collector, Land Reforms Dehri-on-Sone, Rohtas, Bihar.
- 4. The Circle Officer, Dehu Block, Dehri, District-Rohtas.
- 5. Manoj Shankar Singh son of Late Krishna Kumar Singh, Resident of Mohalla-Gandhi Nagar, Dehri-on-Sone, Rohtas, Bihar.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 3901 of 2015

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Mukul Shankar Singh, son of Late Krishna Kumar Singh, Resident of Nagina Bhawan, Gandhi Nagar, Ward No.28, Dehri-on-Sone, Rohtas, Bihar.

.... Petitioner

Versus

1. The State of Bihar.
2. The Collector, District Rohtas, Bihar.
3. The Deputy Collector, Land Reforms Dehri-on-Sone, Rohtas, Bihar.
4. The Circle Officer, Dehu Block, Dehri, District-Rohtas.
5. Manoj Shankar Singh son of Late Krishna Kumar Singh, Resident of Mohalla-Gandhi Nagar, Dehri-on-Sone, Rohtas, Bihar.

.... Respondents

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Appearance :

(In CWJC No. 3846 of 2015)

For the Petitioner : M/s. Naresh Kumar Malhotra, Sr. Advocate and
Binod Kumar Sinha, Advocate

For the Respondents : Mr. M.N. Parbat, Senior Advocate

For the State : M/s. Harish Kumar, G.P.32,
Sudhir Kumar, A.C. to AAG-2 and
Sanjay Kumar Jha, Advocate

(In CWJC No. 3849 of 2015)

For the Petitioner : M/s. Mukund Jee and
Ravindra Nath Choudhary, Advocates

For the State : Mr. Sunil Kumar Ravi, A.C. to AAG-III

(In CWJC No. 3879 of 2015)

For the Petitioner : M/s. Naresh Kumar Malhotra, Sr. Advocate and
Binod Kumar Sinha, Advocate

For the Respondents : Mr. M.N. Parbat, Senior Advocate

For the State : M/s. Harish Kumar, G.P.32,
Sudhir Kumar, A.C. to AAG-2 and
Sanjay Kumar Jha, Advocate

(In CWJC No. 3901 of 2015)

For the Petitioner : Mr. Mukund Jee, Advocate

For the State : Mrs. Binita Singh, G.P.31

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 23-04-2015

I have heard the parties.

Petitioner raises a short issue in this case. At the strength of Annexure-7 in all the writ applications which is order sheet of Case Nos.133, 135, 132 and 134 of 2014-15, he points out that the appeal



concerned had been filed before the Deputy Collector, Land Reforms, Dehri against the order dated 31.12.2014 passed in Mutation Case No.467 of 2014-15 in C.W.J.C. No.3846 of 2015, Mutation Case No.2752 of 2014-15 in C.W.J.C. No.3849 of 2015, Mutation Case No.466 of 2014-15 in C.W.J.C. No.3879 of 2015 and Mutation Case No.275 of 2014-15 in C.W.J.C. No.3901 of 2015. He submits that Section 7 of the Bihar land Mutation Act, 2011 (hereinafter referred to as “the Act”), which is an appellate provision, clearly lays down that an appeal against the order of the Circle officer shall lie with the Land Reforms Deputy Collector within 30 days from the date of the order. However, at the same date, sub section (2) of Section 7 of the Act empowers the Land Reforms Deputy Collector to condone the delay in filing the appeals and entertaining it even after the period of limitation provided he is satisfied that there is sufficient reason due to which delay has occurred.

It is submitted that, in the cases in hand the appeals having admittedly been filed after 30 days, are clearly outside the prescribed limit of limitation even then, though no petition for condoning the delay was filed by the respondent no.5, the appellate authority without condoning the delay, has admitted the appeal. It is contended that such order cannot be allowed to survive.

On the other hand, learned counsel for the respondent no.5 submits that a petition for condoning the delay was filed later on

16.03.2014.

However, it is admitted position that the appeal suffers from delay and the order impugned had been passed without considering the question of limitation and without condoning the delay the appeals have been admitted. In my considered opinion, such orders cannot be allowed to be sustained as the sub section (2) of Section 7 of the Act lays down in clear terms that the LRDC has power to condone the delay on being satisfied with the reasons or grounds raised by the appellant but, at the same time, he cannot ignore the issue of limitation and go on to hear and decide the appeal on merit.

Accordingly, all the impugned orders dated 07.02.2015 contained in Annexure-7 in all the writ applications are quashed and set aside. The matter is remitted back to the appellate authority to first consider the question of limitation on its own merit and in accordance with law.

(Dr. Ravi Ranjan, J)

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