

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16892 of 2014

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1. Radhika Kuer, W/o Late Chandrabhan Ram
2. Prem Chand Ram @ Prem Kumar, Son of Late Kesho Ram @ Keshaw Chamar
Both resident of village- Dahiyav, P.S.- Durgawati, District- Kaimur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue, Bihar, Patna
2. The District Consolidation, Bihar, Patna
3. Gauri Shankar Ram, son of Late Jangli Ram, resident of village- Dahiyav, P.S.- Durgawati, District- Kaimur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhanendra Chaubey, Adv.
Mr. Ravi Shankar Sahay, Adv.
Mr. Ajay Nandan Sahay, Adv.
For the Respondent nos.1&2 : Mr. J.K.Roy-1, SC-13

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 22-12-2016 Heard the learned counsel for the petitioners as also the learned State counsel appearing on behalf of the respondent nos.1 and 2.

The petitioner is aggrieved by the order dated 14.07.2014 passed in B.L.T. Case No.59 of 2014 by the learned Bihar Land Tribunal, Patna, as contained in Annexure-7 to the writ petition, whereby the aforesaid case filed on behalf of the petitioners has been dismissed on the ground of limitation.

The learned counsel appearing on behalf of the petitioners submits that the order dated 27.05.1995 in Revision Case No.1230 of 1994 was passed ex parte by the Joint Director of Consolidation (Headquarter), Bihar, Patna, whereby the aforesaid revision case filed on behalf of the respondent no.3 was allowed without giving any opportunity of hearing to the petitioners.



The learned State counsel appearing on behalf of the official respondents submits that, in the revision case, notices were issued to the petitioners, but they did not appear; therefore, final order was passed by the revisional authority. He further submitted that there was delay of more than 19 years in approaching the learned Bihar Land Tribunal, Patna; therefore, it has rightly been dismissed by it on the ground of limitation.

By way of reply, the learned counsel for the petitioners submits that the petitioners are still in possession over the lands in question and rent receipts have also been issued in their favour.

However, in view of the objections raised/submissions made by the learned State counsel, he seeks permission to withdraw the present writ petition with a liberty to approach the Civil Court of competent jurisdiction for grant of an appropriate relief to the petitioners with respect to the lands in question as also the orders impugned.

Permission is accorded.

The writ petition stands disposed of as withdrawn with the liberty aforesaid.

It goes without saying that, if an appropriate civil suit is brought by the petitioners for grant of an appropriate relief to them with respect to the lands in question, after impleading all the necessary parties including the private respondent no.3, and, if a notification under Section 26A of The Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 has been issued by the State Government, then the same shall be considered and decided on its own merits strictly in accordance with law, but without being prejudiced by dismissal of the B.L.T. Case No.59 of



2014 on the ground of limitation.

It further goes without saying that, in the aforesaid civil suit, the parties shall be at liberty to raise all the issues of facts and law, which may be available to them, with respect to the lands in question.

(Birendra Prasad Verma, J)

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