

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6618 of 2014

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1. Md. Soyeb
 2. Sk. Mainuddin

both are sons of Late Jasimuddin, resident of Village - Malikpur,
P.O. Dalkola, P.S. Balrampur, District Katihar

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Revenue, Government of Bihar, Patna
2. The Divisional Commissioner, Purnea
3. Deputy Collector, Land Reforms, Barsoi, Katihar
4. Member (Administrative) of Bihar Land Tribunal, Patna.
5. Abdul Wahid,
6. Abdul Latif,
7. Md. Ishaque,
8. Md. Akhlas

Respondent Nos. 5 to 8 are sons of Late Kalimuddin

R/O Village Malikpur, P.O. Dalkola, P.S. Balrampur, District - Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate

For the Respondent Nos. 1 to 4: Mr. Prabhat Kumar, AC to GA 2

For the Respondent Nos. 5 to 8 : Mr. Md.Qumrul Hoda, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-07-2016

Heard the learned counsel appearing on behalf of the petitioners, the learned State counsel, appearing on behalf of the respondent nos. 1 to 4 as also the learned counsel appearing on behalf of the respondent nos. 5 to 8, who have chosen to appear suo motu in the present proceeding by filing their duly executed vakalatnama.

2. The petitioners are aggrieved by order dated 20.02.2014 passed in B.L.T. Case No. 33 of 2014 by the learned Member (Administrative) of the Bihar Land Tribunal, Patna, as contained in Annexure-1, whereby the aforesaid B.L.T. case filed on behalf of the petitioners against the order dated 05.09.2013 passed by the Divisional Commissioner, Purnea in Land Dispute

Appeal No. 166 of 2012 (Annexurer-9) has been dismissed on the ground of delay of 26 days.

3. The learned counsel appearing on behalf of the petitioners submits that the petitioners had filed the aforesaid B.L.T. case with a limitation petition explaining the delay of 26 days occurred in filing the aforesaid B.L.T. case, but the learned Tribunal while dismissing the aforesaid B.L.T. case filed on behalf of the petitioners has not taken into consideration the averments made and the cause shown for condonation of delay in the limitation petition filed on their behalf and has dismissed the aforesaid B.L.T. case mechanically by recording a finding that sufficient cause has not been shown by the learned counsel for the petitioners for condonation of delay in filing the aforesaid BLT case.

4. The learned State counsel, appearing on behalf of the official respondents as also the learned counsel appearing on behalf of the respondent nos. 5 to 8, though have opposed the prayer made in the present writ petition, but have not been able to dispute the aforesaid submissions.

5. After having heard the parties and taking into consideration the nature and tenor of the impugned order passed by the learned Tribunal, this Court is of the opinion that the matter requires re-consideration and a fresh decision by the learned Tribunal. Now, it is well settled principles of law that while considering the prayer for condonation of delay, the Court/Tribunal is required to take a liberal approach for advancing substantial justice between the parties. The Court/Tribunal is not supposed to take pedantic approach asking the parties to explain every day, every hour, every minute and

every second delay in approaching it. In fact, the Court/Tribunal is required to do substantial justice between the parties and justice should not be normally denied merely on such a petty ground of a delay of 26 days.

6. For the reasons recorded above, the impugned order dated 20.02.2014 passed in B.L.T. Case No. 33 of 2014 by the learned Member (Administrative) of the Bihar Land Tribunal, Patna, as contained in Annexure-1, is hereby set aside and quashed, and the matter is remitted back to the learned Bihar Land Tribunal, Patna with a direction to decide the aforesaid B.L.T. Case No. 33 of 2014 afresh on merits. The delay of 26 days occurred in filing the aforesaid B.L.T. case is hereby condoned.

7. In the result, the writ petition stands allowed to the extent indicated, but with the observations and directions made above. However, the parties are left to bear their own costs.

(Birendra Prasad Verma, J)

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