

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5748 of 2012

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Masomat Ramvati Devi, Widow Of Late Ganesh Ravidas, R/O Vill.-
Ramtaliganj, Shrikishun, P.S.-Kajra (Surajgarha), Dist.-Lakhisarai

.... Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary & Commissioner, Land Reforms & Revenue
Department, Govt. Of Bihar, Patna
3. Divisional Commissioner, Munger
4. Karyalaya Mantri, Dist.-Bhoodan Office, Munger, P.O. + Dist.-Munger
811201
5. Revenue Officer, Surajgarha, Dist. Lakhisarai
6. Dy. Collector, Land Reforms, Munger
7. Upendra Das, S/O Late Dwarika Das, R/O Vill. Ramtaliganj, Shri
Kishun, P.S. Kajra (Surahgarha), Dist.-Lakhisarai
8. Sanjeev Das, Son Of Late Dwarika Das, R/O Vill. Ramtaliganj, Shri
Kishun, P.S. Kajra (Surahgarha), Dist.-Lakhisarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.
For the Respondent nos.7&8 : Mr. Anil Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 18-01-2016 Heard the parties.

The petitioner is aggrieved by the order dated 23.08.2011 passed in Misc.Case No.68 of 2010 by the respondent Divisional Commissioner, Munger, as contained in Annexure-8 to the writ petition, whereby the petition filed on behalf of the petitioner under the provisions of The Bihar Bhoodan Yagna Act, 1954 has been dismissed on account of non-prosecution. The petitioner is also aggrieved by the order dated 20.09.2011 passed in Misc. Case No.....of 2011, as contained in Annexure-10, whereby the petition for restoration filed on behalf of the petitioner has been dismissed.

The learned counsel appearing on behalf of the

petitioner submits that, though the petitioner had appeared on several dates, but the matter was not decided and suddenly by the impugned order dated 23.08.2011, the aforesaid case was dismissed for want of prosecution and the prayer for restoration has also been dismissed mechanically. According to him, for the ends of justice, a direction may be issued to the respondent Divisional Commissioner, Munger to decide the case of the petitioner on merits.

By an order dated 26.03.2012, notices were issued to the private respondents, and in response to which the respondent nos.7 and 8 have entered appearance through their learned counsel. The learned counsel appearing on behalf of the respondent nos.7 and 8 submits that, if a direction is issued to the respondent Divisional Commissioner, Munger to decide the matter on merits, then he has no objection.

In the factual matrix of the case, as noticed above, and in view of the fact that the case of the parties has not been decided on merits by the respondent Divisional Commissioner, Munger, the impugned original order dated 23.08.2011 passed in Misc.Case No.68 of 2010 by the respondent Divisional Commissioner, Munger (Annexure-8) as also the impugned order dated 20.09.2011 passed in Misc.Case No..... of 2011 by the respondent Divisional Commissioner, Munger, as contained in Annexure-10, are hereby set aside and quashed, and the respondent Divisional Commissioner, Munger is directed to decide the aforesaid Misc.Case No.68 of 2010 on merits strictly in accordance with law.

In order to expedite the matter, the petitioner as also the respondent nos.7 and 8 are hereby directed to appear before

the respondent Divisional Commissioner, Munger within a period of one month from today with a certified copy of the present order, whereafter he shall fix a firm date for deciding the aforesaid Misc.Case No.68 of 2010 in accordance with law. However, before passing any final order, an opportunity of hearing must be given to the petitioner as also the respondent nos.7 and 8, besides others, if any.

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 before the respondent Divisional Commissioner, Munger.

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)

Arvind/-

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