

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6915 of 2009

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1. Jamindar Bhagat
 2. Bipat Bhagat, both sons of Late Sogarath Bhagat
 3. Darpanya Devi, wife of Late Innar Bhagat
 4. Shakal Deo Bhagat.
 5. Chandra Shekhar Prasad @ Chandra Shekhar Bhagat.
 6. Chandeshwar Bhagat
 7. Ram Nath Kumar @ Ram Nath Bhagat, all sons of Late Innar Bhagat, all resident of village and P.O. –Kutubpur, P.S Bidupur, District Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director of Consolidation, Bihar, Patna.
3. The Deputy Director of Consolidation, Vaishali at Hajipur.
4. Rajendra Prasad
5. Sigdeo Bhagat, both sons of Late Nanhak Bhagat, respondent no. 4 and 4 are resident of village- Kutubpur, P.O.- Kutubpur, P.S. Bidupur, District Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pd.Singh

For the Respondent No.1 to 3 : Mr. Syed Arshad Alam, SC-3
Mr. Mahtab Alam, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL Judgment

5 11-05-2016 Heard the learned counsel appearing on behalf of the petitioners and the learned AC to SC-3, appearing on behalf of the respondent no. 1 to 3. However, none appears on behalf of the respondent no. 4 and 5 though, they have already entered appearance through their counsel, whose name is printed in the daily cause list.

The petitioners are aggrieved by the order dated 20.12.2007 passed in Consolidation Revision Case No. 136 of 2004 by the respondent Director of Consolidation, Bihar, Patna, as contained in Annexure-6 to the writ petition, whereby the aforesaid revision application filed on behalf of the petitioners has

been dismissed on the ground of limitation, though, admittedly, petition for condonation of limitation was already filed on behalf of the petitioners.

The learned counsel appearing on behalf of the petitioners submits that in limitation petition filed on behalf of the petitioners, delay was properly explained, but the respondent Director has dismissed the aforesaid revision application on the ground that day to day delay has not been explained and limitation petition was not pressed by the learned counsel appearing on behalf of the petitioners.

Now, it is well settled principles of law that for condonation of limitation, day to day delay is not required to be explained and the court/ Tribunal/ Authority is required to take a lenient view while considering the prayer for condonation of delay.

This Court fails to appreciate that if the limitation petition was filed on behalf of the petitioners, then how the aforesaid revision petition could have been dismissed on the ground that the aforesaid limitation petition was not pressed, though the learned counsel appearing on behalf of the petitioners was heard and he had filed written argument also.

After having heard the parties, this Court is of the opinion that the matter requires reconsideration and fresh decision on merit by the Director of Consolidation, Bihar, Patna. Accordingly, the impugned order dated 20.12.2007 passed in Consolidation Revision Case No. 136 of 2004 by the respondent Director of Consolidation, Bihar, Patna, (Annexure-6) is hereby set aside and quashed, and the matter is remitted back to the Director of Consolidation, Bihar, Patna with a direction to decide

the aforesaid Consolidation Revision Case No. 136 of 2004 afresh on merits. However, before passing any final order, an opportunity of hearing must be given to all concerned including the petitioners as also the respondent no. 4 and 5, besides others, if any.

The writ petition stands allowed to the extent indicated, but with the observations and directions made above. No costs.

(Birendra Prasad Verma, J)

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