

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5638 of 2014

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1. Mahesh Prasad Singh, Son of Sri Raj Kumar Singh
2. Bijay Shankar Prasad Singh, Son Of Sri Raj Kumar Singh
Both Are Resident Of Village- Satghara Muzzffarg Ganj, P.S.- Raj Nagar,
District- Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Darbhanga Division, Darbhanga
3. The D.C.L.R., Sadar Madhubani, District- Madhubani
4. Narsingh Ram, Son Of Sri Roudi Ram
5. Ram Prasad Ram, Son Of Sri Jogendra Ram
Respondent No.- 4 And 5 Are Resident Of Village- Chichri Bujourg, P.S.-
Raj Nagar, District- Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No.- 13, Adv. Mr. Rohit Kumar, Adv.
For the Respondent nos.1to3	:	Mr. Mrigendra Kumar, AC to GA-11
For the Respondent nos.4 &5	:	Mr.Mrigank Mauli, Adv. Mr. Sanjay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL JUDGMENT

3 23-06-2016 Heard the parties.

The petitioners are aggrieved by the order dated 18.06.2013 passed in Land Dispute Case No.299 of 2013 by the respondent Divisional Commissioner, Darbhanga, as contained in Annexure-2, whereby the aforesaid case/appeal preferred on behalf of the petitioners under Section 14 of The Bihar Land Disputes Resolution Act, 2009 (in short 'Act, 2009') against the order dated 18.12.2012 (Annexure-1) passed by the competent authority has been dismissed mechanically by practically one line order on the ground of limitation of 100 days.

Learned counsel appearing on behalf of the petitioners submits that the petitioners had filed a petition under



Section 4 of the Act, 2009 before the Competent Authority-cum-D.C.L.R., Sadar Madhubani for grant of appropriate relief(s) with respect to the lands in question, giving rise to Case No.98 of 2012-13, but finally the aforesaid case was dismissed by an order dated 18.12.2012 (Annexure-1). He further submits that the petitioners, being aggrieved by the aforesaid order, filed an appeal under Section 14 of the Act, 2009 before the respondent Commissioner, which was registered as Land Dispute Case No.299 of 2013. According to the learned counsel, there was some bonafide delay in filing the aforesaid appeal and for that reason the petitioners had filed a limitation petition for condonation of delay, but without considering the prayer for condonation of delay, the respondent Divisional Commissioner, Darbhanga has mechanically dismissed the aforesaid appeal/case by a non-speaking and cryptic order dated 18.06.2013 (Annexure-2).

By an order dated 08.09.2014, notice was issued to the respondent nos.4 and 5, as a result of which they have entered appearance through their learned counsel. However, no counter affidavit has been filed on their behalf controverting the averments made in the writ petition.

Though, a counter affidavit has been filed on behalf of the respondent no.3, but the learned State counsel has fairly conceded that the factum of filing of limitation petition by the petitioners before the respondent Commissioner has not been disputed.

In above view of the matter, this Court is of the opinion that the order impugned cannot be sustained and the matter requires decisions on merits. Consequently, the impugned order dated 18.06.2013 passed in Land Dispute Case No.299 of

2013 by the respondent Divisional Commissioner, Darbhanga, as contained in Annexure-2, is hereby set aside and quashed, and the matter is remitted back to the respondent Divisional Commissioner, Darbhanga with a direction to decide the matter afresh on merits by treating the delay occurred in filing the aforesaid appeal has been condoned by this Court.

In order to expedite the matter, the petitioners and the respondent nos.4 and 5 are directed to appear before the respondent Divisional Commissioner, Darbhanga within a period of one month from today with a certified copy of the present order, whereafter the respondent Divisional Commissioner, Darbhanga shall fix a firm date for deciding the matter afresh on merits.

It is clarified that 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 Commissioner, Darbhanga.

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)

Arvind/-

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