

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.828 of 2016

In
Civil Writ Jurisdiction Case No. 12055 of 2002

=====

Umapati Gond & Anr

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjya Kumar Chaubey

For the Respondent/s : Mr. AC to AAG-4

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 09-03-2017 Heard Sri Kaushal Kishore Mishra, learned counsel,

assisted by Sri Sanjay Kumar Chaubey, learned counsel for the

petitioners and learned AC to AAG-4.

The present petition was filed in the year 2016 with
a prayer to restore a writ petition i.e. C.W.J.C.No 12055 of 2002,
which stood dismissed long back on 13.07.2007 due to non-
prosecution.

On perusal of the record of C.W.J.C.No.12055 of
2002, it is evident that save and except ordersheet and page nos. 1
and 2 of the petition, nothing was on record. Meaning thereby, the
record has already been destructed. Normally, such petition is
required to be rejected on the ground of limitation. However, it
was submitted that the petitioners are landless persons and under
the provision of Bhoodan Yagya Act, a certificate was issued in



favour of father of the petitioner and since then petitioners were enjoying peaceful possession over the land, however without any authority the said certificate was cancelled, which was challenged in the writ petition. It has also been indicated that the petitioners being landless persons had gone to Surat (Gujrat) for their livelihood and after returning from there, they noticed that their writ petition stood dismissed. Thereafter, they had filed the present restoration petition belatedly. In normal course, such petition was required to be rejected, but considering the fact that the petitioners are landless persons and detailed reason has been assigned for filing the present restoration petition at belated stage as well as considering the fact that the original record has already been destructed, it would be difficult for passing order of restoration. In stead of passing favourable order, the Court proposes to dispose of the present restoration petition granting liberty to the petitioners to file a fresh writ petition, if so advised.

The petition stands disposed of.

(Rakesh Kumar, J)

NKS/-

U			
---	--	--	--

