

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 14068 of 2005

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Sukdeo Das, son of late Feku Das @ Feku Ram, resident of Jianganj, PS – Sarsi,
District - Purnia

.... Petitioner/s

Versus

- 1 The State of Bihar
- 2 The Collector, Purnia
- 3 The Anchaladhikari, Banmankhi, PS – Banmankhi, District – Purnia
- 4 Raj Kumar Sharma
- 5 Santosh Kumar Sharma
- 6 Ashok Kumar Sharma, sons of Jitendra Sharma, resident of Jianganj, PS –
Sarsi, District - Purnia

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. JAGDISH PRASAD BHAGAT

For the Respondent/s : Mr. (AAG3)

Mr. Piyush Anand

Mr. Anjuma Ara

Mr. Shashi Ranjan

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CORAM: HON'BLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL JUDGMENT

Date: 18-03-2017

Heard learned counsel for the petitioner as well as
learned counsel appearing for the State. No one appears on behalf of
private respondents.

2 The petitioner has prayed for quashing the order dated
05.07.2005 passed by Collector, Purnea (respondent No 2) in RR No
104 of 2000 by which he dismissed the revision petition of the
petitioner in default.

3 It is very unfortunate that this matter is pending since
last 12 years particularly in the circumstance when the petitioner has
come before this Court seeking a very simple relief of quashing the



dismissal order dated 05.07.2005.

4 Annexure 3 to the petition is complete certified copy of complete order sheets of RR No 104 of 2000. The impugned order goes to show that due to non-appearance of the petitioner and non-deposit of cost of Rs 1,000/-, the learned Collector dismissed the aforesaid RR No 104 of 2000.

5 The submission on behalf of the petitioner is that the petitioner had been attending the Court of Collector, Purnea since the year, 2000 but, due to non-availability of the concerned Collector, the matter could not be disposed of and due to poverty, petitioner could not deposit the cost as imposed upon him in the aforesaid revision. He further submits that petitioner failed to appear on 05.07.2005 and taking advantage of the absence of the petitioner, the learned Collector dismissed the revision petition though he was bound to dispose of the same on merit and had no right to dismiss it in default. He further submits that petitioner is ready to deposit the cost of Rs 1,000/- if RR 104 of 2000 is restored to its original number.

6 Although learned counsel for the State drew my attention towards paragraph 7 of the counter affidavit in which it has been pleaded that up till now, the petitioner has not deposited the cost amount but, in my view, the revision petition of the petitioner should be heard on merit and furthermore, I do agree with the submission of



the learned counsel for the petitioner that the revision petition cannot be dismissed in default and the concerned Court was duty bound to dispose of the same on merit.

7 In view of the aforesaid circumstances, the impugned order dated 05.07.2005 passed by Collector, Purnea in RR No 104 of 2000 stands quashed and the same is ordered to be restored to its original number. The learned Collector, Purnea is directed to dispose of RR No 104 of 2000 on merit within four months from the date of receipt/production of a copy of this order giving opportunity of hearing to both the parties of the aforesaid revision petition.

8 In the aforesaid manner, this writ petition stands disposed of.

(Hemant Kumar Srivastava, J)

M.E.H./-

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