

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5141 of 2015

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Kaushlendra Kumar Mishra @ Kaushlendra Mishra, son of late Shyam
Bihari Mishra, resident of village& P.O.-Yogiya, P.S.-Brahampur, District-
Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Collector-cum-District Magistrate, Buxar.
3. Deputy Collector, Land Reforms, Dumraon, District-Buxar.
4. Anchal Adhikari, Dumraon, District-Buxar.
5. Ram Bihari Mishra @ Mirdul Mishra, son of late Indradeo Mishra,
resident of village+P.O.-Yogiya, P.S.-Brahampur, District-Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Adv.
For the Respondent nos.1to4 : Mr. Naman Nayak, AC to AAG-X.
For the Respondent no.5 : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 16-01-2017 Heard the learned counsel for the petitioner and the
learned AC to AAG-10 appearing on behalf of the respondent
nos.1 to 4. However, none appears on behalf of the respondent
no.5, though the notice was issued to him earlier by an order dated
06.07.2015 and he has already entered appearance through his
counsel, whose name is printed in the daily cause list.

The petitioner is aggrieved by the order dated
16.07.2014 passed in Mutation Revision Case No.142 of 2013 by
the respondent District Collector, Buxar, as contained in
Annexure-3, whereby the aforesaid mutation revision case filed on
behalf of the petitioner has been dismissed by a non-speaking and
cryptic order on the ground of limitation.

The learned counsel appearing on behalf of the
petitioner submits that the petitioner, being aggrieved by the order
dated 15.06.2013 passed in Mutation Appeal Case No.106 of
2012-13 by the respondent D.C.L.R., Dumraon, District-Buxar, as



contained in Annexure-1, filed the aforesaid Mutation Revision Case No.142 of 2013 with a petition for condonation of delay occurred in filing the aforesaid mutation revision case. The copy of the mutation revision application accompanied by a petition for condonation of limitation has been annexed as Annexure-2 to the writ petition. It is contended by the learned counsel that the petitioner had given full explanation for the delay occurred in filing the mutation revision case, but, without considering the same, the revisional authority has mechanically dismissed the mutation revision case by a non-speaking and cryptic order on the ground of limitation. He further submits that, in the facts of the case, the limitation occurred in filing the mutation revision case was fit to be condoned.

The present case is pending since 01.04.2015 and the notice was issued to the private respondent no.5 by an order dated 06.07.2015, which was validly served upon him and he has entered appearance through his counsel, but the facts pleaded in the writ petition have not been controverted by him by filing any counter affidavit.

After having heard the parties and taking into consideration the materials available on the record, this Court is satisfied that the delay occurred in filing the aforesaid mutation revision case by the petitioner was fit to be condoned. Hence, the impugned order dated 16.07.2014 passed in Mutation Revision Case No.142 of 2013 by the respondent District Collector, Buxar, as contained in Annexure-3, is hereby set aside and quashed, the limitation occurred in filing the aforesaid mutation revision case is hereby condoned and the matter is remitted back to the respondent District Collector, Buxar with a direction to decide the aforesaid



mutation revision case afresh on merits, but, before passing any final order, reasonable opportunity of hearing must be given to all concerned including the petitioner and the respondent no.5, besides others, if any.

The writ petition stands allowed to the extent indicated above. However, in the facts of the case, there shall be no order as to costs.

(Birendra Prasad Verma, J)

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