

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7174 of 2019

1. Noor Alam Ansari @ Noor Alam, Son of Late Shahid Ansari@ Shahid Miyan.
2. Mansoor Alam Ansari, Son of Late Shahid Ansari
3. Nazrul Ansari, Son of Late Shahid Ansari
All are Resident of Village Salaha, Tamkuhi, P.O. Jharmahbi, Via Hari Nagar, P.S. Chautarwa, Anchal Bagaha-I, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, West Champaran.
2. The Collector, West Champaran at Bettia.
3. The Additional Collector, West Champaran at The Additional Collector, West Champaran at Bettia.
4. The Land Reforms Deputy Collector, Bagaha, West Champaran.
5. The Circle Officer, Anchal Bagaha-I, P.S. Chautarwa, District-West Champaran.
6. The Circle Inspector, Anchal Bagaha-I.P.S. Chautarwa, District-West Champaran.
7. The Halka Karamchari, Village-Salaha Anchal Bagaha-I, P.S. Chautarwa, District-West Champaran.
8. Hoda Ansari Son of Late Nuruddin Ansari, Resident of Village-Salaha Tamkuhi, P.O.-Jharmahbi Via-Narinagar, P.S. Chautarwa Anchal-Bagaha-I District-West Champaran.
9. Azad Ansari Son of Late Jamabali Ansari Resident of Village-Salaha Tamkuhi,P.O.-Jharmahbi Via-Narinagar, P.S. Chautarwa Anchal-Bagaha-I District-West Champaran.
10. Ahshan Ansari Son of Late Tainul Ansari Resident of Village-Salaha Tamkuhi,P.O.-Jharmahbi Via-Narinagar, P.S. Chautarwa Anchal-Bagaha-I District-West Champaran.
11. Ashique Ansari Son of Late Musa Ansari Resident of Village-Salaha Tamkuhi,P.O.-Jharmahbi Via-Narinagar, P.S. Chautarwa Anchal-Bagaha-I District-West Champaran.
12. Nabiullah Mian Son of Late Samsul Mian Resident of Village-Salaha Tamkuhi,P.O.-Jharmahbi Via-Narinagar, P.S. Chautarwa Anchal-Bagaha-I District-West Champaran.
13. Monaf Ansari Son of Rasul Ansari Resident of Village-Salaha Tamkuhi, P.O.-Jharmahbi Via-Narinagar, P.S. Chautarwa Anchal-Bagaha-I District-West Champaran.
14. Sagir Ansari, Son of Nixamuddin Ansari Resident of Village-Salaha Tamkuhi,P.O.-Jharmahbi Via-Narinagar, P.S. Chautarwa Anchal-Bagaha-I District-West Champaran.
15. Hakim Ansari Son of Safique Ansari Resident of Village-Salaha



Tamkuhi,P.O.-Jharmahbi Via-Narinagar, P.S. Chautarwa Anchal-Bagaha-I
District-West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh
For the Respondent/s : Md. Khurshid Alam (AAG 12)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 15-04-2019 Heard learned counsel for the parties.

Aggrieved by an order, dated 12.10.2018, passed by the Bihar Land Tribunal Patna, in B.L.T. Case No. 312 of 2017, this writ application has been filed, whereby the petitioners' case has been dismissed as not pressed, since there was no representation on behalf of the applicants before the Tribunal.

Rule 17 of the Bihar Land Tribunal Rules (in short 'the Rules'), 2010, provides for dismissal of an application on applicant's default, by the Tribunal. Sub-Rule (2) of Rule 17 of the Rules, however, provides that if an application has been dismissed for default and applicant files an application for the restoration of the case within thirty days from the date of dismissal and satisfies the Tribunal that there was sufficient cause for his non-appearance when the application was called for hearing, the Tribunal shall make an order for setting aside the order of dismissal of the application.

The petitioners may make an application before the



Tribunal for restoration of their case by invoking Rule 17 of the Rules.

As has been noticed, sub-Rule (2) of the Rules provides limitation of thirty days, during which, a restoration application is to be filed.

Considering the facts and circumstances, I dispose of the writ application with a liberty to the petitioners to approach the Tribunal by making appropriate application for restoration of the case, which has been dismissed for default by the impugned order, dated 12.10.2018.

The Court expects that, if any application for condonation of delay is filed before the Tribunal, same should be considered liberally by the Tribunal, keeping in mind the fact that the petitioners had approached this Court by making the present writ application and other relevant aspects of the matter.

This writ application stands disposed of with the observations, as above.

(Chakradhari Sharan Singh, J)

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