

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22063 of 2011

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SMT.MANJU DEVI Wife Of Sri Ghanshyam Mandal Resident Of Village -
Rampur, P.S. Kahalgaon, District - Bhagalpur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Additional Member Board Of Revenue, Bihar, Patna
3. Additional Collector, Bhagalpur
4. Deputy Collector Land Reforms, Kahalgaon, District - Bahgalpur
5. Raman Kumar Son Of Late Bibhash Chandra Mandal Resident Of Village -
Rampur, P.S. Kahalgaon, District - Bhagalpur
6. Shambhu Kumar Son Of Late Bibhash Chandra Mandal Resident Of Village -
- Rampur, P.S. Kahalgaon, District - Bhagalpur
7. Hari Mohan Son Of Late Shiv Narayan Mandal Resident Of Village -
Rampur, P.S. Kahalgaon, District - Bhagalpur
8. Renu Devi Wife Of Late Janardhan Mandal Resident Of Village - Rampur,
P.S. Kahalgaon, District - Bhagalpur At Present Resident Of Village And
P.O. Birudiga Via Pannagarh District Vardhaman W.B.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Aginash Kumar Mr.Janki Nandan Prasad
For Respondent no.7		Mr. Rajendra Kr Jain Mr. Ajay Kr. Jain
For the State	:	Mr.Dhurjati Kr Prasad GP-14p7

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

8 01-08-2019 Heard the learned counsel for the parties.

Assailing an order dated 21.10.2003, passed by the
Additional Member, Board of Revenue, Bihar, Patna in Revision
Petition No. 19 of 2002, this writ application, under Article 226
of the Constitution of India, came to be filed on 12.12.2011,
more than eight years after passing of the impugned order.



By the impugned order, the petitioner's revision application filed under Section 32 of the Bihar Land Ceiling Act, 1961 (for short 'the Act'), arising out of a proceeding under Section 16(3) of the Act, has been dismissed for non-prosecution.

This is to be noted that in a pre-emption proceeding under Section 16(3) of the Act, the petitioner was a purchaser of the land and claiming the right of pre-emption, an application was filed under Section 16(3) of the Act before the Deputy Collector Land Reforms, which was allowed. The petitioner's appeal before the Additional Collector, Bhagalpur was dismissed by an order dated 13.12.2001, against which the revision application was filed which has been dismissed by the impugned order.

Learned counsel for the petitioner, assailing the impugned order, has referred to the order-sheet, to contend that the Presiding Officer was himself not available on most of the dates, when the matter was fixed, and suddenly on 21.10.2003, he dismissed the revision application for default as there was no representation on behalf of the petitioner. He has submitted that since the petitioner did not have knowledge about dismissal of the revision application on 21.10.2003 and even thereafter, there



has been delay in filing of the writ application.

Mr. Dhurjati Kumar Prasad, learned GP-14, has submitted that this writ application deserves to be dismissed on the sole ground of delay and laches on the part of the petitioner. He has relied on a Supreme Court decision in the case of **Delhi Administration and others Vs. Kaushailya Thakur and others**, reported in (2012) 5 SCC 412.

I have perused the impugned order as well as the order-sheet.

The revision application was filed on 07.02.2002. it is evident from the order-sheet that on several dates when the Presiding Officer was holding the court, the petitioner had absented himself. The learned Additional Member, Board of Revenue has taken note of the fact that the petitioner was not filing his attendance. Evidently, on the date when the Additional Member, Board of Revenue could not hold the court, there was no attendance filed on behalf of the petitioner. It is, thus, visible that there was laxity on the part of the petitioner also in pursuing the case before the Additional Member, Board of Revenue.

Further, I find substance in the submission made on behalf of the State of Bihar, with reference to the Supreme Court's decision in the case of **Delhi Administration and**



others Vs. Kaushailya Thakur and others (supra), that this writ application deserves to be dismissed on the ground of delay and laches also.

This writ application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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