

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15609 of 2014

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Suryamani Devi Wife of Sri Suresh Prasad Singh, Resident of Village -
Basdiha Tola Bigha, Police Station Deo, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate, Aurangabad
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate Aurangabad.
4. The Deputy Collector Land Reforms, Aurangabad.
5. The Circle Officer, Block, Police Station and District - Aurangabad.
6. Smt. Anita Kumari, wife of Sri Ram Pravesh Tiwari, Resident of
Village/Mohalla - Shahpur, Thakur Bari Road, Police Station - Aurangabad
Town, District - Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Singh-4, Advocate
For the Respondent No. 6	:	Mr. Bhanu Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 24-01-2020

Heard learned counsel for the petitioner and learned
counsel for the respondent no. 6.

2. Nobody appears on behalf of the State.

3. The petitioner has moved the Court for the following
reliefs:

“That this writ application is directed against the order dated 11.06.2013 passed in Land Dispute case No. 16/2013 by the respondent No. 4, the order dated 12.12.13 passed in Land Dispute Appeal No. 282/2013 by the Respondent No. 2 and order dated 30.07.2014 in B.L.T. Case No. 112 of 2014 by the learned Member



Administrative of the Bihar Land Tribunal, Patna, for setting aside by this Hon'ble Court."

The petitioner further prays for a direction upon the Respondents concerned to redress her grievances either in accordance with law or under the facts and circumstances of the case."

4. Learned counsel for the petitioner submitted that the matter has travelled before different forums and ultimately before the Bihar Land Tribunal, Patna (hereinafter referred to as the 'Tribunal') in BLT Case No. 632 of 2013, in which, by order dated 27.09.2013 the petitioner was permitted to withdraw the application for filing appeal before the Divisional Commissioner within one week from that day. Learned counsel submitted that the certified copy of the order was obtained by him after 8 days of filing requisites on 08.10.2013 and thereafter on 10.10.2013, the petitioner had filed Land Dispute Redressal Appeal No. 282 of 2013 before the Commissioner, Magadh Division, Gaya. It was submitted that the time taken by the petitioner to file appeal was just 5 days excluding the period taken by the office of the Tribunal to supply the certified copy to the petitioner. It was submitted that despite that, the Divisional Commissioner, by order dated 12.12.2013 had not decided the matter on merits, despite the Tribunal having directed him to condone the delay, and has dismissed the appeal on the ground of delay. Learned counsel



submitted that the petitioner again approached the Tribunal in BLT Case No. 112 of 2014 which was also dismissed on 30.07.2014 without any application of mind holding that the Divisional Commissioner, Gaya had passed a speaking order which is totally falsified by the records as the order has been passed only on the ground of limitation.

5. Learned counsel for the respondent no. 6 submitted that the petitioner had to file the appeal before the Divisional Commissioner within one week from the date of the order, i.e., 27.09.2013 and since the same was not done, rightly such appeal has been dismissed on the ground of limitation. However, on a query of the Court as to how the time taken by the Tribunal to supply the certified copy of the order to the petitioner would prejudice her or visit her with penal consequences, learned counsel could not answer the same.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the considered opinion of the Court, the grievance of the petitioner has to be decided on merits by an appropriate authority. As already the Tribunal had given liberty to the petitioner to move before the Divisional Commissioner, which he did, but the same having been dismissed on erroneous grounds by not correctly appreciating the



order of the Tribunal to condone the delay, if the appeal was filed within one week, which, this Court finds has to be deemed to have been done within time, the order dated 12.12.2013 passed by the Commissioner, Magadh Division, Gaya in Land Dispute Redressal Appeal No. 282 of 2013 as well as the order dated 30.07.2014 in BLT Case No. 112 of 2014, cannot be sustained and are accordingly, set aside. Land Dispute Redressal Appeal No. 282 of 2013 stands revived. The Commissioner, Magadh Division, Gaya shall decide the same on merits, in accordance with law, upon the petitioner producing copy of this order before the Commissioner, Magadh Division, Gaya, which should be done latest within two weeks from today.

7. It goes without saying that the authorities shall hear all concerned and then decide the issue, in accordance with law.

8. The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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