

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1147 of 2019

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Imteyaz Ahmad late Mukhtar Ahmad Resident of Village- Hathauri Tola,
Mahual, P.S. Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Director, Land Acquisition, Govt. of Bihar, Patna.
2. The Commissioner, Saran Division at Chapra.
3. The Collector of the District Siwan.
4. The Additional Collector, Siwan
5. The Deputy Collector, Land Reforms, Siwan
6. The Anchal Adhikari, Hussainganj, District- Siwan
7. The Sub Divisional Officer, Siwan
8. Parwez Ahmad son of Md. Asraf, Resident of Village- Hathauri Tola Mandal, P.S. Hussainganj, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sarvadeo Singh, Adv. Mr.Md. Anisur Rahman, Adv.
For the Respondent/s	:	Mr.Abhay Kumar Kashyap, AC to G.P. 18
For the Respondent No. 5:	:	Mr. Naresh Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 26-07-2022

The present writ petition has been filed for quashing the order dated 15.02.2018 passed in Jamabandi Cancellation Revision Case No. 84 of 2017, by the learned court of Commissioner, Saran Division, Chapra whereby and whereunder the case of the petitioner has been dismissed in default in as much as no requisites etc. were filed by the petitioner in compliance of the earlier order dated 08.09.2017. The petitioner has also prayed for quashing of the order dated 14.06.2018,



passed in Restoration Case No. 54 of 2018 by the Commissioner, Saran Division, Chapra whereby and whereunder the restoration petition has been rejected.

2. The case of the petitioner in brief is that a Jamabandi Cancellation Case No. 38/2013-14 was initiated by the Additional Collector, Siwan and the Jamabandi created in favour of the father of the petitioner was cancelled by an order dated 08.03.2014, which led to the petitioner filing a writ petition bearing C.W.J.C. No. 5526 of 2014 and a co-ordinate Bench of this Court by an order dated 27.06.2016 though dismissed the writ petition, however, granted liberty to the petitioner to approach the statutory authorities for grant of appropriate relief, whereupon the petitioner filed an appeal bearing Jamabandi Cancellation Appeal No. 40/ 2016-17, before the learned Collector, Siwan, which was also dismissed by an order dated 30.05.2017. Against the said order dated 30.05.2017, the petitioner filed a revision bearing Jamabandi Cancellation Revision Case No. 84 of 2017, however, the same stood dismissed for default by an order dated 18.2.2018 on account of non-filing of the requisites etc., which led to the petitioner filing restoration petition, which was also dismissed by the learned Commissioner, Saran Division, Chapra by an



order dated 14.06.2018. This is how the petitioner is before this Court.

3. The learned counsel for the petitioner has submitted that the revision petition of the petitioner has not been considered on merits, hence equity demands that the same should be decided on merits since the right of the petitioner to agitate his grievance in revision cannot be taken away by dismissing his revision petition in default. Nonetheless, it is submitted that the petitioner undertakes to file requisites etc. within a period of four weeks from today in case aforesaid Revision Case No. 84 of 2017 is restored to its original file.

4. The learned counsel for the Respondents submits that the petitioner should be put to strict terms in case the aforesaid revision petition bearing Revision Case No. 84 of 2017 is being restored.

5. Having regard to the facts and circumstances of the case and in the interest of justice, this Court deems it fit and proper to quash the orders dated 15.02.2018 and 14. 06. 2018, passed in Revision Case No. 84 of 2017 and Restoration Case No. 54 of 2018 respectively and remand the matter back to the learned court of Commissioner, Saran Division, Chapra, for being heard on merits, however, with a caveat to the effect that



the petitioner shall file requisites etc. within a period of four weeks from today and shall not take any adjournment, failing which the aforesaid revision case of the petitioner shall stand dismissed in default and the petitioner would not be entitled to avail any further remedy.

6. The writ petition stands allowed on the aforesaid terms.

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.07.2022
Transmission Date	N/A

