

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3407 of 2022

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Arun Kumar Shitanshu @ Arun Kumar Mandal Son of Dashrath Mandal
Resident of Village - Kushaha, P.O. - Ghogha, P.S. - Kahalgaon, District-
Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar, Through the Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat, Patna.
2. The Inspector General of Registration, Bihar, Patna.
3. The Assistant Inspector General of Registration, Bhagalpur Commissionery, Bhagalpur.
4. The District Registrar of Registration, Bhagalpur, District- Bhagalpur.
5. The District Under Registrar of Registration, Bhagalpur, District- Bhagalpur.
6. The District Under Registrar of Registration, Banka, District- Banka.
7. The Under Registrar of Registration, Kahalgaon, District- Bhagalpur.
8. The Commissioner, Bhagalpur Commissionery, Bhagalpur.
9. The District Collector, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Advocate
For the Respondent/s : Mr. Kumar Shanu (AC to AG)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-12-2022 The present writ petition has been filed seeking quashing of the order dated 11.09.2019 as also the order dated 13.11.2019, passed by the learned Commissioner, Bhagalpur Commissionery, Bhagalpur, whereby and whereunder the appeal, filed by the petitioner has been dismissed on account of non- prosecution and the restoration petition filed by the petitioner has also stood dismissed.

The learned counsel for the petitioner submits that the



petitioner was present on two dates i.e. on 07.08.2019 and 11.09.2019, however the learned Commissioner, Bhagalpur Commissionery, Bhagalpur has dismissed the appeal of the petitioner without passing any order on merits.

The learned counsel appearing for the respondent State submits that in case, this Court deems it fit and appropriate to remand the matter back to the appellate authority, the appeal filed by the petitioner bearing Appeal no. 05 of 2018-19 shall be heard on merits and disposed off, in accordance with law.

I have heard the learned counsel for the parties and I find that in the interest of justice and considering the equities, it would be appropriate that the matter is remanded back to learned Commissioner, Bhagalpur Commissionery, Bhagalpur to decide the appeal of the petitioner on merits, hence, the order dated 11.09.2019 as also the one dated 13.11.2019, passed by the learned Commissioner, Bhagalpur Commissionery, Bhagalpur are quashed, however the matter is remanded back to the learned Commissioner, Bhagalpur Commissionery, Bhagalpur and he is directed to pass a reasoned and a speaking order, in accordance with law, on the merits of the case.

It is needless to state that even if the petitioner or his authorized representative are absent, the learned Commissioner,



Bhagalpur Commissionery, Bhagalpur shall be obliged to pass a reasoned and a speaking order, in accordance with law, forthwith.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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