

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1430 of 2018

In
Civil Writ Jurisdiction Case No.749 of 2018

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1. Manoj Kumar Sah
 2. Ranjan Kumar Sah,
Both sons of Late Rajeshwar Prasad, Resident of Registry Bazar Sonapur,
Adam, P.O. P.S. Sonapur, District- Saran.
 3. Raj Kumar Sah.
 4. Anil Sah @ Anil Kumar Gupta
 5. Sunil Sah @ Sunil Kumar Sah
All sons of Late Dineshwar Sah, Resident of Registry Bazar Sonapur, Adam,
P.O. P.S. Sonapur, District- Saran.

... .. Appellant/s

Versus

1. The State Of Bihar.
2. The Collector, Saran at Chapra.
3. The Additional Collector, Saran at Chapra.
4. The District Collector, Land Reforms, Saran at Chapra.
5. The Circle Officer, Sonapur, Saran at Chapra.
6. Laxmi Narayan Gupta, son of Late Shiv Narayan Sah, Resident of Registry
Bazar Sonapur, Adam, P.O. P.S. Sonapur, District- Saran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ranjan Kumar Dubey, Advocate
For the State	:	Mr. Shailendra Kumar Dwivedi, AC to AAG-12
For the Respondent No.6:		Mr. Kumar Kaushik, Advocate
		Mr. Pushkar Bharadwaj, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 02-03-2023

In the instant appeal, appellants have assailed the
order of the learned Single Judge dated 27.08.2018 passed in
C.W.J.C. No. 749 of 2018.



2. In the writ petition, petitioner has prayed for the following relief(s):-

“i. For issuance of an order, direction or writ of certiorari for quashing and setting aside the order dated 21.11.2017 passed by the learned Collector, Saran, Chhapra in Miscellaneous Case No. 4/2017 whereby and where under the learned Collector has not set aside the order dated 19.05.2017 passed by the Additional Collector, Saran despite observing that the Jamabandi appeal case was not maintainable before him.

ii. For issuance of an order, direction or writ of certiorari for quashing and setting aside the order dated 19.05.2017 passed by the Learned Additional Collector, Saran, Chapra in Jamabandi Appeal No. 22/2014 whereby and where under the learned Additional Collector has erroneously allowed the appeal filed on behalf of the respondent nos. 6 to 10 and has directed for creation of jamabandi as well as issuance of rent receipt in the name of the parties in respect of landed property admeasuring 14 Kathas 16 Dhurs bearing Khata No. 148, Khesra No.102, Jamabandi No.255 and land admeasuring 10 Kathas bearing Khata No. 78, Khesra Nos. 233, 234, Jamabandi No. 30.

iii. For issuance of an order, direction or writ of mandamus for directing the revenue authorities to restore the Jamabandi No. 255 in respect of land admeasuring 14 Kathas, 16 Dhurs bearing Khata No. 148, Khesra No. 102, Thana No. 111 situated in Mouza Sonapur Adam, Thana-Sonapur, District-Saran standing in the name



of the petitioner.

iv. To restore the Jamabandi standing in the name of the petitioner bearing Jamabandi No. 30 in respect of land admeasuring 10 Kathas bearing Khata No. 78, Khesra No. 233/234, Mouza-Barbatta, Pargana-Kasmas Thana No. 99 Thana-Sonepur within the District of Saran.

v. For issuance of an order, direction or an appropriate writ for staying the operation of the order dated 19.05.2017 passed by the Learned Additional Collector, Saran, Chapra in Jamabandi Appeal No. 22/2014, during the pendency of the present writ application.”

3. The appellants had preferred Appeal No. 22 of 2014 before the Additional Collector, Saran, Chapra instead of filing revision petition. He has failed to get it rectified during pendency of Appeal No. 22 of 2014 or after disposal of Appeal on 19.05.2017 and even during pendency of C.W.J.C. No. 749 of 2018. Due to error committed by the concerned party, insofar as not mentioning that revision has been filed before the Additional Collector instead of appeal, resulted in causing injustice to the appellants herein.

4. We find no infirmity in the order of the learned Single Judge, insofar as interfering with the order dated 19.05.2017 passed by the Additional Collector in Appeal No. 22 of 2014. However, on technicality, appellants' Appeal No. 22 of



2014 was entertained by the Additional Collector and it has been set aside by the learned Single Judge. Therefore, in order to meet the ends of justice, we are of the view that liberty is required to be given to the appellants to file afresh revision before the Additional Collector in accordance with law. Accordingly, the order of the learned Single Judge is modified to the following extent:-

(i) The appellants are permitted to file revision petition before the Additional Collector within a period of one month from the date of receipt of this order.

(ii) The revisional authority is hereby directed to condone the delay, insofar as preferring belated revision in the light of the fact that Additional Collector's order dated 19.05.2017 passed in *Jamabandi* Appeal No. 22 of 2014 was pending consideration before the Collector and before this Court. It is also learnt that matter was taken up before the Collector and Bihar Land Tribunal. Therefore, the revisional authority is hereby directed to consider the condonation of delay in filing revision petition, while taking note of Section 12 of the Limitation Act, 1963.

(iii) The revisional authority is hereby directed to decide the revision petition to be filed by the appellants within a



period of six months from the date of receipt of this order after giving due opportunity to such of those persons whose rights are likely to be affected in the event of passing any order.

(iv) Both appellants and respondents are hereby directed to co-operate in deciding the revision petition to be filed by the appellants.

(v) Whatever the observation made by the learned Single Judge would not come in the way of deciding the revision petition by the revisional authority, leaving open all the contentions to be urged by the respective parties before the revisional authority.

5. With the above observation, the L.P.A. stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.03.2023
Transmission Date	NA

