

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9498 of 2023

Union Bank of India a Body Corporate Constituted Under the Banking Companies (Acquisition and Transfer of Undertaking Act) 1970 having its Head Office at Union Bank Bhavan 239, Vidhan Bhavan Marg, Nariman Point Mumbai 400021 and having One of its Regional Office at Gayatri Complex, Opposite Head Post Office, near Shyam Sundar School, Mahatma Gandhi Road, Bhagalpur and its Concerned Branch Office at Doctor Rajendra Prasad Road, Khalifa Baag, District Bhagalpur, P.S.- Bhagalpur, Pin Code- 812002, Bihar represented through Mr. Pankaj Parsun, S/o Mr. Girja Rajak, aged about 41 Years, Branch Manager (PF No. 527278), Union Bank of India, Bhagalpur Main Branch office, Bhagalpur- 812002.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Divisional Commissioner-Cum Revisional Authority, Under the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982, Bhagalpur Division, Bhagalpur.
3. The Collector-Cum Appellate Authority, Under the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982, Bhagalpur.
4. The Sub Divisional officer-Cum-House Controller, Under the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982, Bhagalpur Sadar Bhagalpur, District- Bhagalpur.
5. Pradeep Kumar Tibrewal S/o Late Bishwanath Tibrewal, Resident of Debi Prasad Dhandhanian Lane, Sujaganj, P.S.- Kotwali District Bhagalpur.
6. Krishna Kumar Tibrewal, S/o Late Bishwanath Tibrewal, R/o Mohalla-Sujaganj, Dr. Rajendra Prasad Road, P.S.- Kotwali, Town and District-Bhagalpur.
7. Meena Devi Banka W/o Suresh Kumar Banka and D/o Late Bishwanath Tibrewal, Resident of 304, BL Singhanian Apartment, Akharaghat Road, Muzaffarpur, Bihar-842001 and also resident of Devi Prasad Dhandhanian Lane, Sujaganj, P.S.-Kotwali, District-Bhagalpur.
8. Raj Patesaria, W/o Late Pradeep Patesaria and D/o Late Bishwanath Tibrewal, Resident of Bara Bazar, Raniganj, District-Bardawan, West Bengal-713347 and also resident of Devi Prasad Dhandhanian Lane, Sujaganj, P.S.-Kotwali, District-Bhagalpur.
9. Anita Jalan D/o Late Bishwanath Tibrewal, Resident of 13, Jawahar Nagar Extention, Varanasi-221883 and also resident of Devi Prasad Dhandhanian Lane, Sujaganj, P.S.-Kotwali, District-Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shivendra Kumar Roy, Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha (Sc19)
For the Respondent No.5:	:	Mr.Gautam Kejriwal, Advocate



Mr.Atal Bihari, Advocate
Mr.Alok Kr. Jha, Advocate
Mr.Mukund Kumar, Advocate
Mr.Akash Kumar, Advocate
Mr.Aditya Raman, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 12 10-12-2024 1. The present petition has been filed for quashing the order dated 06.09.2019, passed by the Collector, Bhagalpur in HC Appeal Case No.118 of 2016-17, whereby and whereunder the appeal filed by the petitioner has been dismissed on the ground of non-appearance of the counsel for the petitioner. The petitioner has also prayed for quashing of the order dated 26.04.2023, passed in House Control Revision Case No.02 of 2022-23, by the Commissioner, Bhagalpur Division, Bhagalpur, whereby and whereunder the revision petition filed by the petitioner has been dismissed on the ground of delay.
2. The learned counsel for the petitioner has submitted that as far as the order dated 26.04.2023, passed by the Commissioner, Bhagalpur Division, Bhagalpur is concerned, the revision petition was filed after a delay of about 3.5 years on account of genuine reasons i.e. death of the counsel of the petitioner, who was looking after the aforesaid case, in the year, 2018, itself, hence a sympathetic view be taken and the said order dated 26.04.2023 be set aside. As far as the order dated 06.09.2019, passed by the Collector, Bhagalpur is concerned, it



is submitted that it was incumbent upon the Collector, Bhagalpur to have passed orders on merits and not dismissed the appeal merely on the ground on non-appearance of the counsel for the petitioner, nonetheless, it is submitted that the petitioner cannot be prejudiced because of the laches on the part of its counsel, hence a sympathetic view be taken.

3. Per contra, the learned for the respondents have submitted that in case this Court is of the opinion that the matter is required to be remanded back to the Collector, Bhagalpur, a time frame be fixed for conclusion of the appellate proceedings.

4. Having regard to the facts and circumstances of the case, in the interest of justice and considering the equities prevailing in the present case, apart from the fact that neither the appeal nor the revision petition, filed by the petitioner have been considered on merits, I deem it fit and proper to quash the order dated 26.04.2023, passed by the Commissioner, Bhagalpur Division, Bhagalpur in House Control Revision Case No.02 of 2022-23, as also the order dated 06.09.2019, passed by the Collector, Bhagalpur in House Control Appeal Case No.118 of 2016-17 and remand the matter back to the Collector, Bhagalpur who shall decide the aforesaid appeal within a period of six weeks of receipt/production of a copy of this order.



5. At this juncture, the learned counsel for the petitioner submits that at the time of issuance of notice by this Court vide order dated 24.11.2023, the petitioner was directed to deposit a demand draft of 32 lacs, which has been deposited by the petitioner before the Registrar General of this Court, hence the same be returned back to the petitioner. The learned counsel for the respondents do not have any objection in case the aforesaid demand draft is returned back to the petitioner. Accordingly, I deem it fit and proper to direct the Registrar General of this Court to return back the aforesaid demand draft to the petitioner within a period of two weeks from today.

6. According, the writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Saurav/-

U			
---	--	--	--

