

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10102 of 2024

1. Vijay Krishan Agrawal Son of Late Gopal Krishna Singhal, Secretary, Managing Committee of Shree Burhwa Mahadeo Temple Sonwagarh Sheo Mandir, Resident of Mauza- Kanchanpur, Panchayat - Dhankarha P.O.- Dhawdarh, P.S.- Sasaram, District - Rohtas at present residing at 103-A, Block C, Dream City Apartment, ward no. 22-C, Mainpura, P.O.- GPO, Patna-800001.
2. Shree Burhwa Mahadeo Temple Sonwagarh Sheo Mandir, through its Secretary, Resident of Mauza- Kanchanpur, Panchayat - Dhankarha P.O.- Dhawdarh, P.S.- Sasaram, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. The District Magistrate, Rohtas at Sasaram.
3. The Director Consolidation, Bihar, Patna.
4. The Joint Director Consolidation (HQ), Bihar, Patna.
5. The Deputy Director of Consolidation, Rohtas at Sasaram.
6. The Consolidation Officer, Sasaram, District- Rohtas.
7. The Sub-Divisional Magistrate, Sasaram (Rohtas).
8. The Assistant Consolidation Officer, Sasaram, District- Rohtas.
9. The Bihar State Board of Religious Trust through its Chairman, Vidyapati Marg, Patna.
10. Bipin Bihari Dubey, Son of Radhey Krishna Dubey, Resident of Village- Durgapur, P.O. and P.S.- Indrapuri, District- Rohtas.

... .. Respondent/s

For the Petitioner/s	:	Mr.Bajarangi Lal, Adv.
For the Respondent/s	:	Mr. Government Pleader (14)
For the Board	:	Mr. Ganpati Trivedi, Sr. Adv.
		Mr. Ritik Shah, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL JUDGMENT
Date : 04-07-2024

Heard learned counsel for the parties.

2. Learned counsel appearing on behalf of the petitioner, after some submissions, has confined the relief to the prayer no.1 for setting aside the order dated 21.02.2024 passed



by the Hon'ble Member (Administrative) of Bihar Land Tribunal, Patna (hereinafter to be referred to as 'the BLT') in BLT Case No. 448 of 2023 whereby and whereunder the petition filed by the petitioner has been rejected on the ground of limitation.

3. The learned counsel for the petitioner submits that the impugned order dated 21.02.2024 (Annexure-P/12) has been passed in gross violation of the principles of natural justice. He further submits that sufficient cause for delay has been explained by the petitioner in the limitation petition filed before the BLT Case No. 448 of 2023 stating that the delay caused in filing the case was fit to be condoned in view of the fact that the dismissal of the case causes irreparable loss and injury to the public at large at the hands of the private respondent who has created and procured the documents by making fabrication in collusion with the local government officials. He has further submitted that it is a well settled principle that substantial justice cannot be denied on mere technical defect of limitation caused due to delay in filing the petition.

4. In the considered opinion of this Court, in view of the provisions contained in Section 14 of the Bihar Land Tribunal Act, 2011 and in view of the grounds given by the



petition in the petition filed for condonation of delay, that should have been condoned and the matter should have been heard and disposed of on its own merit.

5. Accordingly, the impugned order dated 21.02.2024 passed by the learned Member (Administrative) of Bihar Land Tribunal, Patna in BLT Case No. 448 of 2023 is set aside and the matter is remanded back to the Tribunal with a direction to pass a fresh order in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

6. Accordingly, the writ petition stands disposed of.

(Rudra Prakash Mishra, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.07.2024
Transmission Date	

