

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6908 of 2014

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Ram Rati Devi Wife Of Sanjay Pandit And D/O Late Janaki Prajapat Resident
Of Village - Maksudpur, P.S. Khizersarai, District - Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Divisional Commissioner, Magadh Division, Gaya
2. The Deputy Collector Land Reforms, Neemchak Bathani Khizersarai, Gaya
3. Phoola Devi Wife Of Sheo Ratan Prajapat Resident Of Village - Pirbigha, P.O. Rasalpur, Via - Buniyadganj, P.S. Chandauti, District - Gaya.
4. Basanti Devi Wife Of Lakhan Prajapat Resident Of Village - Resaul, Police Station - Belaganj, Post Office And District - Gaya.
5. Basmati Devi Wife Of Vijay Prajapat Resident Of Village - Narawat, Police Station - Atri, Post Office and District - Gaya.
6. Jeera Devi Wife Of Baijnath Pandit Resident Of Village - Bhojpur Nentadih, Police Station Bodh-Gaya, District - Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rohit Mishra, Advocate
For the State	:	Mr. Jay Prakash Sharma, AC to GP-21
For respondent Nos.3,4,&6:	:	Mr. Nawal Kishore Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 08-08-2024

The present writ petition has been filed for quashing the order dated 06.02.2014, passed by the learned Divisional Commissioner, Magadh Division, Gaya in Land Dispute Redressal Appeal No.44 of 2013, whereby and whereunder the appeal, filed by the petitioner, which had stood dismissed for default by an order dated 05.12.2013, has not been restored and the restoration petition has been dismissed. The petitioner has also sought for quashing of the order dated 05.12.2013, passed



by the Divisional Commissioner, Magadh Division, Gaya, in Land Dispute Redressal Appeal No.44 of 2013 whereby and whereunder the appeal filed by the petitioner has been dismissed for default on account of non-furnishing of correct address of the opposite party no.1 and for non-filing of the requisites.

2. The learned counsel for the petitioner submits that the petitioner had filed a restoration application before the learned Divisional Commissioner, Madagh Division, Gaya and explained the delay in filing the requisites by stating therein that since the petitioner was bedridden, the requisites could not be filed within time, nonetheless, the restoration petition has been dismissed by the impugned order dated 06.02.2014.

3. *Per contra*, the learned counsel appearing for the respondent-State as also the private respondents submit that they have no objection to the aforesaid appeal being restored and heard on merits.

4. Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties, in the interest of justice and considering the equities prevailing in the present case, I deem it fit and proper to quash the order dated 05.12.2013 as also the order dated 06.02.2014 passed by the learned Divisional Commissioner,



Magadh Division, Gaya in Land Dispute Redressal Appeal No.44 of 2013 and restore the aforesaid Land Dispute Redressal Appeal No.44 of 2013 to its original file. The Divisional Commissioner, Magadh Division Gaya is directed to issue notices to the parties, fixing the date and time of hearing, and then decide the aforesaid appeal on merits, expeditiously.

5. The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.08.2024
Transmission Date	NA

