

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16461 of 2015

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1. Nityanand Kumar, Son of Ramashish Yadav
 2. Siya Ram Kumar Son of Ramashish Yadav.
 3. Pappu Kumar Son of Ramashish Yadav
 4. Nawalesh Kumar Son of Rajendra Yadav
 5. Naresh Yadav Son of Sheo Lakhan Yadav all are Resident of Village-Sumera Tola Bala Bigha, P.O.- Malathi, P.S.-Makhadumpur District-Jehanabad

----- Petitioners

Versus.

1. The State of Bihar.
2. The Collector cum Registrar, Jehanabad
3. The Sub Registrar, Registry Office, Jehanabad
4. Bechan Sharma Son of Kamla Singh Resident of village-Sumera P.O.- Malathi P.S.-Makhadumpur District-Jehanabad

----- Respondents

Appearance :

For the Petitioner/s	:	Mr.Bajarangi Lal, Advocate
For the State	:	Mr. Manish Kumar, GP-4
For the Respondent No. 4 :		Mr. Ashutosh Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-09-2024 The present writ petition has been filed seeking the following relief:-

“1. That this application is being filed for setting aside the order dated 26.05.2015 passed by the Registrar, Jehanabad (respondent no.2) in Registration Appeal No.23/2002-03, whereby and whereunder the said appeal has been dismissed in default due to non-appearance of the petitioners on only one date and further for a direction to restore the said



*Registration Appeal No.23/2002-03
to its original file and decide the
same on its own merit."*

2. At the outset, the learned counsel for the petitioners submits that on account of non-filing of *Haajri* by the counsel of the petitioners on 26.05.2015 and the counsel for the petitioners being absent, the appeal filed by the petitioners bearing Appeal No. 23/DM/2002-03 has been dismissed vide order dated 26.05.2015 by the learned Court of Collector, Jehanabad, hence it is submitted that a sympathetic view be taken and the learned Collector be directed to hear the appeal on merits.

3. The learned counsel for the respondents submits that in case the appeal is restored, the learned Collector, Jehanabad shall definitely pass a reasoned and a speaking order on merits of the case.

4. Having regard to the facts and circumstances of the case, considering the averments made in the present writ petition, in the



interest of justice and considering the equities prevailing in the present case, I deem it fit and proper to set aside the order dated 26.05.2015 passed by the learned Court of Collector, Jehanabad in Appeal Case No. 23/DM/2002-03 and remand the matter back to the learned Collector, Jehanabad for fresh consideration, who shall hear the parties and then pass the final order, in accordance with law.

5. It is needless to state that in case any of the parties are absent, the learned Collector, Jehanabad shall pass orders on merits, *ex parte*.

6. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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