

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4063 of 2019

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1. Saukat Ali and Ors Sons of Late Hafiz Mansoor Ali Resident of Village Keoti, Tole Jibra, P.S. Keoti, District-Darbhangha
 2. Ashraf Ali @ Ashraf Sons of Late Hafiz Mansoor Ali Resident of Village Keoti, Tole Jibra, P.S. Keoti, District-Darbhangha
 3. Haider Ali Sons of Late Hafiz Mansoor Ali Resident of Village Keoti, Tole Jibra, P.S. Keoti, District-Darbhangha
 4. Akbar Ali Sons of Late Hafiz Mansoor Ali Resident of Village Keoti, Tole Jibra, P.S. Keoti, District-Darbhangha
 5. Alimun Nisha Son of Late Hafiz Mansoor Ali Resident of Village Keoti, Tole Jibra, P.S. Keoti, District-Darbhangha
 6. Kamrun Nisha D/o Late Hafiz Mansoor Ali W/o Sahbul Ansari Resident of Village-Narauchh, P.S.-Kamtaul, District-Darbhangha
 7. Shamrun Nisha D/o Late Hafiz Mansoor Ali, W/o Julfkar, Resident of Village-Hardiya Benipatti, Police Station-Benipattil, District-Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar through the Commissioner, Darbhanga Division, Darbhanga
2. The Deputy Collector Land Reforms, Sadar, Darbhanga
3. Md. Sanaullah Son of Late Nasir Ansari Resident of Village Keoti, Tole Jibra, P.S.-Keoti, District-Darbhangha

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Advocate Mrs. Sushmita Kumari, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, SC- 25

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 24-04-2025

Learned counsel for the petitioners, learned senior counsel for the State and learned counsel for the private respondent are present.

2. Learned counsel for the petitioners submits that



due to an inadvertent mistake in the prayer, the Land Dispute Case No. has been mentioned instead of the Bihar Land Dispute Resolution Appeal No.

3. Counsel for the petitioners has been directed to correct this in the course of the day.

4. The present writ petition has been filed for quashing the order dated 24.07.2018 passed by the Chairman, Bihar Land Tribunal, Patna, in B.L.T. Case No. 602 of 2017, with a further prayer for quashing the order dated 08.03.2016 passed by the Commissioner, Darbhanga, in Bihar Land Dispute Resolution Appeal No. 230 of 2014, and a further prayer for quashing the order dated 26.06.2014 passed by the DCLR, Darbhanga, in Land Dispute Case No. 207 of 2013.

5. Learned counsel for the petitioners submits that the petitioners are the widow, sons, and daughters of the late Hafiz Mansoor Ali, who was the sole appellant in the land dispute appeal before the Commissioner, Darbhanga, in Land Dispute Appeal Case No. 230 of 2014. Counsel further submits that during the pendency of the appeal, the late Hafiz Mansoor Ali died. The substitution petition was filed after a delay of 28 days beyond the limitation period prescribed under Rule 24 of the Bihar Land Disputes Resolution Act, 2009 [Bihar Act 4,



2010] (hereinafter referred to as Act of 2009). Counsel submits that the Commissioner rejected the appeal of the petitioners on the ground that the substitution petition was not filed within the prescribed period of 90 days, as mentioned under Rule 24 of the Act of 2009, and dismissed the appeal as abated, on the grounds that there was no prayer for condonation of delay and setting aside abatement in the petition for substitution. Counsel submits that the said order was challenged before the Bihar Land Tribunal in BLT Case No. 602 of 2017, but the Chairman, Bihar Land Tribunal, also did not consider the case of the petitioners and dismissed BLT Case No. 602 of 2017. Counsel further submits that the case of the petitioners is a strong one on merits, but it was dismissed solely on technical grounds.

6. Learned senior counsel for the State submits that there is a direct contest between the petitioners and the private respondents, and the State has no role in this matter.

7. Learned counsel for the private respondent submits that the appeal was rightly dismissed because the substitution petition was not filed within the prescribed time, and when it was filed, it was 28 days late, beyond the period specified under Rule 24 of the Act of 2009. Additionally, the



petition did not request for condonation of the delay or an amendment. Therefore, the Appellate Court rightly dismissed the appeal.

8. After hearing the parties, this Court is of the view that the petitioners has contested this case in appeal, but merely on technical grounds and due to a mistake on the part of the counsel, the appeal was dismissed. Therefore, this Court is of the view that the litigation should be decided on its merits, not on technicalities. There was a delay of only 28 days, particularly when the sole appellant, the late Hafiz Mansoor Ali died. As such, this writ petition is allowed with a cost of Rs. 5000/- payable to the private respondent. The order dated 24.07.2018 passed by the Chairman, Bihar Land Tribunal, Patna, in B.L.T. Case No. 602 of 2017, the order dated 08.03.2016 passed by the Commissioner, Darbhanga, in Bihar Land Dispute Resolution Appeal No. 230 of 2014, and the order dated 26.06.2014 passed by the DCLR, Darbhanga, in Land Dispute Case No. 207 of 2013 are hereby set aside.

9. Liberty is hereby granted to the petitioners to file a fresh substitution application, along with a condonation of the period of limitation, as well as an application for abatement before the Appellate Forum, the Commissioner.



Thereafter, decide this case on merit, substituting the petitioners in the appeal, condoning the delay in limitation, and setting aside the abatement, as the power is vested in the Rule 24 of the Act of 2009.

10. Accordingly, with this direction, the writ petition stands allowed.

(Dr. Anshuman, J.)

Aman Kumar/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	01.05.2025
Transmission Date	NA

