

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18935 of 2017

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Shyamal Kishor Jayswal @ Shyamal Kishor Bhagat Son of Late Saryug Jaiswal, resident of Village- Rasalpur, Dhuriya, P.S.- Chousa, District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The District Magistrate/ Collector, Purnea, District- Purnea.
4. The Sub Divisional Officer, Purnea, District- Purnea.
5. The Anchaladhikari, Banmankhi, District- Purnea.
6. Sri Kaleshwar Yadav, Son of Late Adhik Lal Yadav,
7. Sri Madhav Prasad Yadav, Son of Sri Surendra Pd. Yadav
8. Sri Birendra Prasad, Son of Late Prakash Yadav
9. Sri Pradeep Kumar Yadav
10. Sri Shambhu Prasad Yadav, Both are sons of Late Prem lal Yadav
11. Most. Buchiya Devi, Wife of Late Sadanand Yadav, all are resident of Village- Khuthari, P.S. Banmankhi, District Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Respondent/s : Mr. Birendra Prasad Singh, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2025 Heard Mr. Sharda Nand Mishra, learned counsel for

the petitioner and learned AC to SC-25.

2. The present petition has been preferred for the
grant of following relief(s):

*“for issuance of the writ nature of certiorari for
Quashing the order dated 12.04.2005 passed by
respondent Anchaladhikari, Banmankhi in*



Record Case No. 40/2004-05 under section 48D B.T. Act by which declared Sikkimdar to respondent no.6 to 11 and directed to Halka Karamchari Collect money as lagan from the respondent and also directed to issue notice to landlord for recovery of the compensation, whenever the aforesaid order dated 12.04.2005 has been passed without notice to the landlord moreover respondent made party to Late Saryug Prasad, who has already been died on 08.07.1954 even then respondents Anchaladhikari passed order, which is illegal and fit to be set aside and further give other legal consequences benefits to the petitioner.”

3. Learned counsel for the petitioner submits that though he knows the limitation of the case inasmuch as that the order was passed by the Circle Officer, Banmankhi in the year 2005, the petitioner coming from the lower strata of the society, do not avail the remedy of appeal in time as information could not come to him in time. He submits that there has been huge delay in filing the appeal but for the end of justice, it would be appropriate that he is granted an opportunity.



4. Though, learned State counsel has taken this Court to the counter affidavit to show that twice the notice were issued to the petitioner side and if he failed to appear, the onus lies on him.

5. Having heard the parties, though there is force in the submission of learned State counsel, there has admittedly been huge delay and almost two decades have passed since the last order of the year 2005, for the ends of justice, in the opinion of the court if the petitioner approaches appropriate authority within four weeks from today, the authority concerned shall take up the petition, notice the relevant parties and consider the limitation petition along with the main petition of the petitioner to take the same to its logical conclusion.

6. The writ petition stands disposed of with aforesaid observation.

(Rajiv Roy, J)

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