

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19251 of 2017

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Shyamal Kishor Jayswal @ Shyamal Kishore 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 Anchaldhikari, Banmankhi, District- Purnea.
6. Yogendra Sah, Son of Late Shivilal Sah, Resident of Village- Mohania, 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. Sajid Salim Khan, SC-25

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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 20.12.2000 passed by
respondent Anchaladhikari, Banmankhi in B.T
Act as Misc case no. 113/2000-2001 under
section 48D B.T. Act by which declared
Sikkimdar of the land bearing R.S Plot no. 458,*



Khata No.273, Khesra No.232, Area-72 Decimal to respondent no.6 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 20.12.2000 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 2000, 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 a quarter of century has passed since the last order of the year 2000, for the ends of justice, in the opinion of the court if the petitioner approached 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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