

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6665 of 2024

- 1.1. Lalita Devi wife of Late Hira Lal Seth, resident of Village-Singhiya Buzurg, Ward No. 1, P.S.-Bibhutipur, District-Samastipur, Bihar-848236.
- 1.2. Rajni Gandha, Daughter of Late Hira Lal Seth, resident of Village - Singhiya Buzurg, House No. 107, Kurmi Mahat, Near Hanuman Temple, P.S. Bibhutipur, District - Samastipur, Bihar - 848236.
- 1.3. Rashmi Kumari, Daughter of Late Hira Lal Seth and Wife of Alok Kumar Sah, resident of Village - Hastar Ganj, P.S. - Hajipur, District - Vaishali, Bihar.
- 1.4. Bharti Kumari, Daughter of Late Hira Lal Seth, resident of Village - Singhiya Buzurg, Ward No. 1, P.S. Bibhutipur, District - Samastipur, Bihar - 848236.
- 1.5. Prishtlata Kumari, Daughter of Late Hira Lal Seth and Wife of Sunil Kumar Mandal, resident of Village-Hatiya Gachhi, P.S. Biraul, District - Darbangha, Bihar.
- 1.6. Anamika Kumari, Daughter of Late Hira Lal Seth and Wife of Pravin Kumar, resident of Village Ballipur, P.S. Hatauri, District - Samastipur, Bihar.
- 1.7. Ashutosh Kumar, Son of Hira Lal Seth, resident of Village Singhiya Buzurg, Ward No. 1, P.S. Bibhutipur, District - Samastipur, Bihar - 848236.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue, Government of Bihar, Main Secretariat, Patna.
2. The District Magistrate cum Collector, Samastipur.
3. The Circle Officer, Bibhutipur, District-Samastipur.
4. Smt. Amrita Devi, wife of Sri Lakhman Prasad Gupta, resident of Village-Singhiya Ghat, P.S. Bibhutipur, District-Samastipur.
5. Smt. Anita Devi, Wife of Sri Ashok Kumar Sah, resident of Village-Singhiya Ghat, P.S. Bibhutipur, District-Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Priya Ranjan, Advocate Mr. Sandeep Kumar, Advocate
For the Respondent/s	:	Mr. Standing Counsel (24)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 15-06-2026 Heard Mr. Kumar Priya Ranjan, learned counsel for
the petitioner and Ms. Nupur for respondents nos. 4 and 5



beside Learned State Counsel, Mr. Anirban Kundu.

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

(i) For quashing of Order dated 11.11.2023 passed by Collector, Samastipur, passed in BASGIT PARCHA Revision Case No.270/2017-Heera lal Seth Vs. Amrita Devi and Another whereby and whereunder learned Collector, Samastipur has dismissed on default the Revision Case No.270/2017 for non-prosecution and ordered for return of record to the court below.

(ii) For a direction on the respondent Collector, Samastipur to register and pass order for restoration of BASGIT PARCHA Revision Case No.270/2017 on Miscellaneous Petition No._____/2024 filed on 04.01.2024 filed by the petitioner for setting aside order dated 11.11.2023 passed in BASGIT PARCHA Revision Case No. 270/2017 and to restore the same to its original file.

(iii) For quashing of order dated 24.03.2014 passed by Circle Officer, Bibhutipur, passed in BASGIT PARCHA Case No.07/2011-12



alongwith consequential BASGIT PARCHA issued in Form 'D' by which BASGIT PARCHA was ordered to be issued in favour of respondent No.4 and 5 Smt. Amrita Devi and Smt. Anita Devi on the basis of recommendation of HALKA KARAMCHARI, Circle Inspector and Anchal Amin pertaining to 2^{1/2} decimal of land bearing Khata No. 326, 363 (old), Khesra No. 4712 and 4766 (old).

(iv) For any other relief/reliefs to which petitioner is found entitled in the facts and circumstances of the case.”

3. The petitioner has come with a simple prayer: to direct the Collector, Samastipur to pass a reasoned order on his case after hearing all the parties including the respondents herein.

4. The contention of the petitioner is that he failed to appear on 11.11.2023 as after 19.09.2023, he could not get any information regarding the taking up of the matter on 11.11.2023 which led to dismissal of the appeal for want of prosecution.

5. The submission is that a restoration petition was promptly filed but was never taken up and though he had option



to move before the revisional authority, has preferred the writ petition. The submission is that the office of the appellate authority, Samastipur is at important stage for the case in hand and as such, he be given an opportunity to be reheard for which the petitioner is ready to pay a cost of Rs. 5,000/- by way of demand draft issued by the local State Bank of India branch in favour of the Collector, Samastipur.

6. Earlier, notices were issued to the respondent nos. 4 and 5 and they have appeared. Though their contention is that the petitioners failed to appear which followed the order in question but they have no objection if the matter is reheard after its restoration.

7. The State Counsel also echoes the same view that though there were laches on behalf of the petitioner, considering that the original petitioner, Heera Lal Seth is no more and the matter is being agitated by his widow Lalita Devi, if the petitioner is/are ready to deposit the fine amount, an appropriate order can be passed.

8. Taking into account the submissions of the parties as also the fact that the order dated 19.09.2023 does not show any further date, for the ends of justice, this Court is of the opinion that if a proper restoration petition is preferred by the



petitioner along with a demand draft of Rs. 5,000/- issued by the local State Bank of India in favour of the Collector, Samastipur, he/she shall be taking up steps for the restoration of the case after issuance of notices to the relevant respondents including the respondent nos. 4 and 5 so that the case is restored to its original file and the matter is re-heard on merit.

9. The order dated 11.11.2023 is quashed.

10. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

Adnan/-

U			
---	--	--	--

