

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2206 of 2025

In
Letters Patent Appeal No.483 of 1996

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1. Raghu Nandan Yadav Son of Late Pant Lal Yadav, Resident of Village- Jhunni Kala, Police Station - Krityanand Nagar, P.O.- Garhiya Balua, District- Purnea.
 2. Arvind Yadav Son of late Jai Nandan Yadav, Resident of Village - Jhuni Kala, Police Station - K. Nagar, District- Purnia.
 3. Amit Yadav Son of Late Jai Nandan Yadav, Resident of Village - Jhuni Kala, Police Station - K. Nagar, District- Purnia.
 4. Bipul Kr. Yadav Son of late Jai Nandan Yadav Resident of Village - Jhuni Kala, Police Station - K. Nagar, District- Purnia.
 5. Praveen Kumar Saurav Son of Late Jai Nandan Yadav, Resident of Village - Jhuni Kala, Police Station - K. Nagar, District- Purnia.
 6. Mostt. Chandra Prabha Devi Resident of Village - Jhuni Kala, Police Station - K. Nagar, District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Purnia
3. The Additional Sub-Divisional Officer (Ceiling) Purnea.
4. Shokunia, Daughter of Sonai Rishi (since deceased) wife of Lakhaman Rishi Resident of Village- Jhunni Kala, Police Station - Krityanand Nagar, P.O.- Garhiya Balua, District- Purnea.
5. Lakhaman Rishi, Son of Changuri Rishi, Resident of Village- Jhunni Kala, Police Station - Krityanand Nagar, P.O.- Garhiya Balua, District- Purnea.
6. Janardan Rishi, Son of Tetar Rishi, Resident of Village- Jhunni Kala, Police Station - Krityanand Nagar, P.O.- Garhiya Balua, District- Purnea.
7. Shanichar Rishi, Son of Late Ritu Rishi, Resident of Village- Jhunni Kala, Police Station - Krityanand Nagar, P.O.- Garhiya Balua, District- Purnea.
8. Khanter Rishi, Son of Shingheshwar Rishi (Since deceased) Resident of Village- Jhunni Kala, Police Station - Krityanand Nagar, P.O.- Garhiya Balua, District- Purnea.
9. Mantar Rishi, Son of Shingheshwar Rishi (Since deceased) Resident of Village- Jhunni Kala, Police Station - Krityanand Nagar, P.O.- Garhiya Balua, District- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amit Srivastava, Sr.Advocate
	:	Mr.Girish Pandey, Advocate
	:	Mr.Akash Ambuj, Advocate

For the Opposite Party/s :	Mr.Additional Advocate General-3
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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

7 18-02-2026 Heard Mr. Amit Srivastava, learned senior counsel
appearing for the petitioners and learned A.C. to AAG-3 for the
State.

2. This application has been filed for restoration of
LPA No.483 of 1996, which stood dismissed for non-
prosecution by order dated 09.12.1999.

3. The following statements have been made in
paragraph Nos.10, 12, 16, 17,18 and 19 of the present
restoration application:

“10. That it is worth to mention here that appellant No.1 died in the year 2009, after long illness due to Cancer developed sometime in the year 1999 to 2000 treated in Govt Hospitals at Patna and Delhi all the relevant papers relating to treatment of appellant no-1 by the doctor have been burnt at the time of cremation of appellant no. 1 in the year 2009. He was Karta of the family, and used to look after the family affairs and also instant litigation arose on account of unilateral decision of the then Ceiling authorities declaring the land of the petitioners as surplus land under Sections 11(1) & 15(1) of the Act.

12. That it is further relevant to mention here that even after dismissal of this L.P.A. for want of prosecution neither State respondents nor so-called red card holders(private respondents) after due service of notices choose to appear before this Court at the time of hearing of writ/LP.A. to make any claim over the lands which had been unilaterally declared surplus and remained in possession with the petitioners. He has



been enjoying the peaceful possession of said land till date.

16. That it is humbly stated and submitted that apart from the aforesaid facts it would be relevant to state that the deceased brother of the petitioner was 'Karta' of the family who used to look after family affairs and also contested the instant litigation from the initial stage of the Ceiling Proceeding in the year 1973-74 till the filing of the writ application and L.P.A filed before this Hon'ble High Court at this petitioners though signed the Vakalatnama but he is an illiterate person was not aware of the progress of the case and deceased brother of the petitioners died after his long illness since the year 2009. The dismissal of the LPA in the year 1999 could not be known to the petitioners and as such due to lack of knowledge/communication gap. That the petitioners could not come before the Hon'ble High Court to file an appropriate restoration application.

17. That it is humbly stated and submitted that apart from the petitioners and his deceased brother, none of the other family members were major at the time of initiation of Ceiling proceeding and all the family members were illiterate person and due to that reason they could not be able to understand the legal consequences of the proceeding except one of the family members was/is government servant posted outside village/remote area reluctant to take any interest in litigation and as such the petitioners and his deceased brother and other family members were not aware of the pendency of the writ application as well as dismissal of LPA in the year 1999.

*18. That it is humbly stated and submitted that apart from the aforesaid fact, the petitioner /appellant no 2 also met an accident after death of his elder brother(appellant no. 1) and also operated twice in the hospital for installation of steel support in his leg and remain bed ridden till the year 2017 thereafter, anyhow, able to walk freely as is evident from the fact that the petitioner/appellant no 2 to obtain **Disability certificate** from the hospital in the year 2017 NSH, and as such, there is no deliberate, delay and laches on the part of the petitioner/appellant no.2 also in pursuing the Case, which happened due to circumstances, beyond the control of the petitioner/ appellant no. 2 since the year 1999 to 2017 as well as communication gap between*



the counsel for the petitioners and the petitioners/ appellants.

19. That it is humbly stated and submitted that it would be specifically mentioned here that even after dismissal of LPA for want of prosecution in the year 1999 and the dismissal of writ application in the year 1996, (dated 01-03-96.) which was duly communicated to Respondent No.-4. There is no substantial/material changes had taken from 1976 to 2025 (no physical delivery of possession to the beneficiaries) of the surplus land as is evident from the fact that the petitioners have uninterrupted /peaceful possession over the disputed/surplus land even the Respondent State have never denied the said fact as well as the private Respondents (Red Card Holders) also have not made any claim/complain of any dispossession before any authority since the date of distribution of Parcha in their favour in the year 1976 to 2025 and as such adjudication of the rights of both the parties existing in the year 1976 is still alive and as such instant restoration application may be allowed on this ground alone.”

4. Considering the statements made in the aforementioned paragraphs, this Court finds sufficient cause for restoration of the appeal.

5. Accordingly, the present restoration application stands allowed. LPA No. 483 of 1996 is restored to its original file.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Nitesh/-

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