

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5654 of 2017**

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1. Mohan Yadav
2. Krityanand Yadav @ Kritnarayan Yadav,
3. Kadam Lal Yadav, All sons of Late Jageshwar Yadav,
4. Dinesh Yadav,
5. Arbind Yadav, Both sons of Bokai Yadav,
6. Bhim Yadav, Son of Late Nand Lal Yadav, All residents of Village-Ramnagar Farsahi, P.S.- Banmankhi, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Member Administrative, Bihar Land Tribunal, Patna.
3. The Collector, Purnea.
4. The Land Reforms Deputy Collector, Purnea.
5. Sone Lal Yadav, Son of Late Tanuk Lal Yadav, resident of Village-Ramnagar Farsahi, P.O.- Harpathe, P.S.- Banmankhi, District- Purnea.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s    | : | Mr. Chandra Kant, Advocate<br>Mr. Subhash Kumar Tiwari, Advocate<br>Mr. Navin Kumar, Advocate<br>Ms. Karnika, Advocate |
| For the respondent no.5 | : | Mr. Shyam Sundar Pandey, Advocate                                                                                      |
| For the State           | : | Mr. Sajid Salim Khan, SC-25                                                                                            |

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**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

3      10-03-2026                      Heard learned counsel for the petitioner, learned  
counsel for respondent no. 5 and learned counsel for the State.

2. The present writ application has been filed for the  
following reliefs:-

*“(i) Order dated 29.11.2016 passed by  
the learned Member, Administrative, Bihar Land  
Tribunal, Patna in B.L.T. Case No.130 of 2016*



*(annexure-12), whereby and where under he has held that there is no illegality in the impugned orders passed by the lower court and has consequently confirmed the same and rejected the claim of the petitioners.*

*(ii) Order dated 5.8.2014, passed by the learned Collector, Purnea U/S 48 F of the Bihar Tenancy Act in R. A. Case No.104/12 (Annexure-8), whereby and where under he has been pleased to dismiss the appeal for default.*

*(iii) Order dated 5.5.12, passed by the Land Reforms Deputy Collector, Banmankhi in Case No.49/07-08 U/S 48 E(10) of the Bihar Tenancy Act (Annexure-7), whereby and where under he has been pleased to declare Respondent No.5 Sonelal Yadav as an under raiyat of the land in dispute and has restrained the petitioners from going over the said land.”*

3.Learned counsel for the petitioners submits that the petitioners had filed a Miscellaneous petition for restoration of Revenue Appeal Case No. 104 of 2012 to its original file and number before the learned Collector, Purnea (respondent no. 3), who restored the said appeal subject to payment of a cost of Rs. 500/- (five hundred). It is further submitted that the petitioners tried to deposit the said amount of cost; however, since the Miscellaneous Case of 2014 filed for restoration of the



aforesaid appeal had not been numbered, the petitioners were unable to deposit the said cost and also filed a Miscellaenous case on 21.5.2015 for allowing the petitioners to deposit the cost of Rs. 500/- in specific head. It is next submitted that, in the aforesaid circumstances, the petitioners approached the Bihar Land Tribunal, Patna for a direction to respondent no. 3 to number the said Miscellaneous Case of 2014 and accept the cost of Rs. 500/-, which was allowed by order dated 19.08.2014.

4. On perusal of the impugned order dated 29.11.2016 passed by the Bihar Land Tribunal, Patna in BLT Case No. 130 of 2016, as contained in Annexure-12 to the writ petition, it appears that the matter has been decided on merit without proper consideration of the aforesaid facts and without recording any cogent finding in that regard.

5. Having regard to the aforesaid facts and circumstances, the impugned order dated 29.11.2016 passed by the Bihar Land Tribunal, Patna (respondent no. 2) in BLT Case No. 130 of 2016 cannot be sustained in law and is accordingly set aside.

6. Accordingly, the matter is remanded to the learned Collector, Purnea ( respondent no. 3), who shall accept the cost of Rs. 500/- (five hundred) as directed earlier vide order dated



19.08.2014 and thereafter proceed to decide Revenue Appeal No. 104 of 2012 on its own merits, after giving due notice and opportunity of hearing to the parties. The entire exercise shall be completed within a period of six months from the date of receipt/production of a copy of this order.

7. The parties are directed to appear before respondent no. 3 on 06.04.2026 along with a certified copy of this order.

8. With the aforesaid observations and directions, the writ application stands disposed of.

**(Khatim Reza, J)**

shyambihari/-

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