(2003) 09 PAT CK 0008

In the Patna High Court

Case No : L.P.A. No. 922 of 2003

Rang Bahadur Singh APPELLANT

Vs

The State of Bihar and Others RESPONDENT

Date of Decision : 29-09-2003

Acts Referred:

Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 — Section 32

Citation : (2004) 1 PLJR 161

Hon'ble Judges : Rajendra Prasad, J;Nagendra Rai, J

Bench : Division Bench

Advocate : V.K. Bhagat, for the Appellant; A.K. Singh, for the Respondent

Final Decision : Allowed

Judgement

1. Mr. V.K. Bhagat learned Standing Counsel (Ceiling) is not present. However, Mr. A.K. Singh, learned Standing Counsel No. 3, has appeared on behalf of the State.

2. Heard learned Counsel for the parties.

3. This appeal is directed against the order dated 10.9.2003 passed by the learned Single Judge dismissing the writ application being C.W.J.C. No. 7329 of 2003 filled by the Appellant challenging the resolution of the Board dated 7.7.2063, as contained in Annexure 9 to the writ application whereby the revision application was dismissed on the ground of limitation.

4. Admitted fact is that against the appellate order the Appellant filed a writ application before this Court and the same was disposed of with the observation to pursue the remedy of revision as provided u/s 32 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961. Thereafter the Appellant filed a revision application, which has been dismissed on the ground of limitation.

5. No doubt, there is delay in filing of the revision application, but the Additional Member, Board of Revenue, ignored the fact that due to bona fide legal advice, the Appellant had pursued the remedy of writ application before this Court and immediately thereafter he filed a revision application.

6. Circumstances enumerated in the limitation petition showing the bona fide mistake in pursuing the remedy of revision are sufficient to condone the delay in filing the revision application.

7. In the result, this appeal is allowed and the order of the learned Single Judge as well as the resolution dated 7.7.2003 of the Board are set aside. The matter is remitted to the Additional Member, Board of Revenue to consider the revision application on merit.