
(2017) 04 JH CK 0007
In the Jharkhand High Court
Case No : C.W.J.C. No. 3573 of 2000 (R)

Shibeswar Giri

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 07-04-2017

Acts Referred:

Citation : (2017) 2 AIRJharR 527

Hon'ble Judges : Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : Mr. Tapas Roy, Advocate, for the Petitioners; Mr. S. L. Agrawal, Advocate, for the Respondent No.5

Final Decision : Dismissed

Judgement

Aparesh Kumar Singh, J.— Heard counsel for the petitioners and the respondent no.5. Though counter affidavit has been filed on behalf of the respondent nos. 2, 3 and 4, but they are not represented today through the State Counsel. Counsel for the respondent no.5 is represented, however no counter affidavit has been filed on their behalf.

2. Petitioners have assailed the order dated 18th September 2000 passed by the Commissioner, South Chotanagpur Division, Ranchi - respondent no.2 in Singhbhum S.A.R. Revision No.52/2000 (Annexure- 6) whereby revision petition preferred by the petitioners has been dismissed on the ground of delay of 9 years in preferring the same. It appears that the S.A.R. Appeal No.157 of 1986-87/111 of 1989-90 preferred by the father of the present petitioners was also dismissed on 12th September 1991 taking note of the fact that the appellant had taken no steps on several dates either in the matter. The S.A.R. Appeal was preferred by the father of the petitioners against the order dated 30th October 1986 passed by the Land Reforms Deputy Collector, Ghatshila (respondent no.4) in Land Restoration Case no. 92 of 1985-86 filed by the applicant/respondent no.5 herein alleging fraudulent dispossession of the land in question by the opposite party therein/father of the present petitioners.

3. The revisional authority by the impugned order has not found any explanation for a huge delay of 9 years in preferring the revision petition though grounds of ailment of the father of the petitioners were taken therein. No documents were also enclosed in support of the grounds for condonation of such huge delay. The application for condonation of delay moved along with the S.A.R. Revision No.52/2000 (Annexure-5) shows that the applicants had taken the plea of death of their father in 1990 and the absence of any knowledge of the proceedings in S.A.R. Appeal No.157 of 1986-87 / 111 of 1989-90 pending in the court of Deputy Commissioner, Singhbhum East for all this while. It was contended on their behalf that in July 2000 only on inquiries from the court of learned Deputy Commissioner, Jamshedpur that they derived knowledge of the appeal having been dismissed on default on 12th September 1991 itself. This application was not supported by any proof of the ailment of their father or the date of death also. The petitioners have not improved their case any further in the present writ petition also, to explain the huge delay of 9 years in preferring the revision petition. It further appears from the connected writ petition being C.W.J.C. No.4248 of 2001 preferred by the same petitioners in another matter relating to restoration of land preferred by the private respondents therein that they had been prosecuting revision petition being S.A.R. Revision No.46/2000 directed against S.A.R. Appeal No.95/1986-87 in respect of restoration of land measuring 3.35 acres at Plot No.4147 and 4148 in Khata No.231 and 234 of Mauza Parulia. The said S.A.R. Appeal was preferred by the father of the petitioners and was decided by the appellate authority vide order dated 13th June 1995 where under order of the Land Reforms Deputy Collector, Ghatshila dated 28th May 1986 in R.P. Case No. 161/1984-85 was upheld. It further appears from perusal of the said order that the appellant as well as the respondents were duly represented by the learned counsel for the parties before the appellate authorities when the matter was decided in the year 1995.

4. Therefore, the plea taken by the petitioners before the learned revisional authority in the instant case does not appear to be correct and convincing. The learned revisional authority in the circumstances was fully justified in refusing to admit the revision petition after 9 years of delay in preferring the same by the impugned order (Annexure-6) dated 18th September 2000.

5. The respondent-State has also filed their counter affidavit and defended the order of the inferior authorities. Learned counsel for the respondent no.5 has also supported the impugned order.

6. On consideration of aforesaid facts and in view of the discussions made herein above, no grounds have been made out by the petitioners for interference in the instant matter. Accordingly writ petition is dismissed.