

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 6162 of 2019

Pramod Baidh @ Pramod Vaid
-V e r s u s-

...Petitioner

1. The State of Jharkhand
2. Urmila Devi
3. Smt. Sumitra Devi

...Respondents

CORAM: - HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner :- Mr. Sachin Kumar, Advocate

For the State :- Mr. Gaurav Abhishek, A.C. to A.G.

Order No.-05**Dated: 25.06.2020**

The present case is taken up through video conferencing.

2. The present writ petition has been filed for quashing the order dated 18.09.2019 (Annexure-5 to the writ petition) passed by the learned Member, Board of Revenue, Jharkhand in Revision Case No. 15 of 2016 whereby the restoration application filed by the petitioner has been dismissed on the ground of delay. Further prayer has been made to restore the Revision Case No. 15 of 2016 to its original file with a direction to the said authority to decide the same on merit.

3. Heard learned counsel for the petitioner as well learned A.C. to A.G. appearing on behalf of the State of Jharkhand and perused the impugned order dated 18.09.2019 passed by the learned Member, Board of Revenue, Jharkhand.

4. The petitioner had filed Land Ceiling Case No. 14 of 2014 in the court of Land Reforms Deputy Collector, Hussainabad, Palamau which was dismissed vide order dated 04.07.2015. Being aggrieved with the said order, the petitioner preferred appeal in the court of Additional Collector, Palamau being Land Ceiling Appeal No. XV/13/2015-16 which was also dismissed vide order dated 19.03.2016. The petitioner thereafter filed Revision Case No. 15 of 2016 in the court of learned Member, Board of Revenue, Jharkhand which was dismissed for non-prosecution vide order dated 23.08.2016. Subsequently, a restoration application was filed on behalf of the petitioner on 11.09.2019 seeking restoration of the said revision case to its original file, however vide impugned order dated 18.09.2019, the said restoration application of the petitioner has also been dismissed by the learned Member, Board of Revenue, Jharkhand on the ground that the petitioner has not given any

plausible explanation for committing inordinate delay in filing the restoration application.

5. To see the justifiability of the impugned order dated 18.09.2019, I have also gone through the restoration application filed by the petitioner in the said revision case. On perusal of the restoration application, it appears that the petitioner has taken the only ground that after dismissal of the revision case for default on 23.08.2016, the conducting lawyer did not inform him about the stage of the said case. It has however been stated that the petitioner came to know from other sources that the said revision case was dismissed for default by the learned Member, Board of Revenue, Jharkhand three years back. In my considered view, such statements cannot be said to be plausible reason for condonation of huge delay of more than three years in filing the restoration application. If the petitioner had any genuine reason which prevented him from filing the restoration application within reasonable time, those should have been duly explained in the restoration application. The filing of restoration application in a casual manner by a lethargic litigant should be discouraged to let him know that restoration of a case even after inordinate delay is not his vested right. Hence, I see no infirmity in the impugned order 18.09.2019 passed by the learned Member, Board of Revenue, Jharkhand in Revision Case No.-15 of 2016.

6. The writ petition being devoid of merit is, accordingly, dismissed.

(Rajesh Shankar, J.)