

IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 199 of 2019

With

I.A. No.444 of 2010

Pawan Kumar Bhagat and another Appellants
Versus
The State of Jharkhand and others Respondents

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**

For the Appellants: M/s. Rajeeva Sharma (Sr. Advocate), Nitu
Singh, Advocate
For the Respondents: Mr. Suresh Kumar, S.C.(L&C)-II

Oral Order
07/Dated: 26.03.2021

I.A. No.444 of 2021

This Interlocutory Application has been filed for condoning the delay of 24 days, which has occurred in preferring this appeal.

No counter affidavit to the Interlocutory Application has been filed on behalf of the State.

Heard the parties.

Having regard to the averments made in this application, we are of the view that the appellants were prevented by sufficient cause from preferring the appeal within the period of limitation.

Accordingly, I.A. No. 444 of 2010 is allowed and delay of 24 days in preferring the appeal is condoned.

L.P.A. No. 199 of 2019

Heard the parties.

Let the appellants bring on record the documents of settlement of the year 1948.

Let the State file an affidavit stating as to in which year Jamabandi No.365 was created in favour of the appellants and/or in which year, as per the claim of the appellants, names of the writ petitioners or their ancestors were entered in Register-II first time.

Let the respondents-State also state as to what step was immediately taken by it after the order dated 18.04.1955 in which a petition of State of Bihar through Circle Officer, Pakur was dismissed on several grounds including one that the settled land is a Bansaori land and not a tank and also as to what was done after 07.11.1966 when a Revenue Misc. Case No.106 of 1966-67, in which the proceedings through by the State of Bihar through the Circle Officer, Pakur, was dropped vide order dated 07.11.1966 (Annexure 4).

So, in a nut-shell, let the State come up with the details as to what was done by it during the interregnum starting from 18.04.1955 till the year 2004-05 when this proceedings under Section 4(h) of the Act was initiated because it was well-known to the State that such settlement was made and it appears from the order of the S.D.O., Pakur, as contained in Annexures 3 and 4, that the State Government's endeavours to dislodge the writ petitioners ended in dropping of the proceedings.

Let a copy of the order passed in C.W.J.C. No.12537/1993 which has been discussed in the impugned order passed by the Deputy Commissioner, Pakur, be brought on record by the State.

Put up this case on 23.04.2021.

(Dr. Ravi Ranjan, C.J.)

(Sujit Narayan Prasad, J.)