

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Writ Jurisdiction)
W.P. (C) No. 3508 of 2020

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M/s Khalsa Construction Pvt. Ltd. Petitioner
Versus

The State of Jharkhand & Others Respondents

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO

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For the Petitioner : Mr. Ankit Apurva, Advocate.
Mr. Rahul Pandey, Advocate.

For the Respondents/State : Mr. Praveen Akhouri, S.C. (Mines)-I.

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The matter is being taken up through Video Conferencing. Learned counsel for the parties have no objection with it and submitted that the audio and video qualities are good.

10/30.11.2022.

The show cause filed by learned counsel, Mr. Ankit Apurva vide I.A. No. 10914/2022 and show cause filed by learned counsel, Mr. Rahul Pandey vide I.A. No. 10955/2022 are hereby accepted.

Learned counsel for the petitioner has submitted, that the certified copy of order passed in Mutation Appeal Case No. 68R15/2015-16 has already been brought on record along with copy of Revision Petition No. 28R15/2017-18, as such this case may be heard on merits.

Heard, learned counsel for the petitioner, Mr. Ankit Apurva assisted by learned counsel, Mr. Rahul Pandey and learned counsel for the respondents / State, Mr. Praveen Akhouri, S.C. (Mines)-I.

Petitioner, M/s Khalsa Construction Pvt. Ltd. has preferred this writ petition for direction upon the respondents specially respondent no. 5 to mutate the name of the petitioner in the revenue record with respect to the land situated at Khata No. 02, Plot No. 56, measuring 2.20 acres at Village – Haratu in the district of Ranchi by setting aside the order dated 10.12.2015 passed by the Circle Officer, Angara, Ranchi in Mutation Case No. 182R27/2015-16 and also for quashing and setting aside the order dated 08.12.2016 passed in Mutation Appeal Case No. 68R15 of 2015-16 by the court of Land Reforms Deputy Collector, Sadar, Ranchi.

Learned counsel for the petitioner, Mr. Ankit Apurva assisted by learned counsel, Mr. Rahul Pandey has submitted, that against the order dated 08.12.2016 passed in Mutation Appeal No. 68R15 of

2015-16 by Land Reforms Deputy Collector, Ranchi, petitioner has filed a revision application before the Deputy Commissioner, Ranchi, which has been registered as Mutation Revision Case No. 28R15/2017-18.

Learned counsel for the petitioner has further submitted, that the Deputy Commissioner, Ranchi in terms of order dated 18.08.2021 has dropped the revision case due to non-appearance of the revision petitioner.

Learned counsel for the petitioner has further submitted, that though the petitioner was not appeared before the court of Deputy Commissioner, Ranchi, but the revisional court cannot dismiss the revision application on the ground of non-appearance of revision petitioner in view of the judgment passed by the Apex Court in the case of **Balaji Steel Re-Rolling Mills Vs. CCE & Customs** reported in **(2014) 16 SCC 360**. Para-13 of the aforesaid judgment may profitably be quoted hereunder:-

13) Applying the principles laid down in the aforesaid case to the facts of the present case, as the two provisions are similar, we are of the considered opinion that the Tribunal could not have dismissed the appeal filed by the appellant for want of prosecution and it ought to have decided the appeal on merits even if the appellant or its counsel was not present when the appeal was taken up for hearing. The High Court also erred in law in upholding the order of the Tribunal.

Learned counsel for the petitioner has thus submitted, that this Court may also set aside the order dated 18.08.2021 passed by the Deputy Commissioner, Ranchi in Mutation Revision Case No. 28R15/2017-18 and may fix the case before the Deputy Commissioner, Ranchi so that petitioner may appear and argue their case.

Learned counsel for the respondents / State, Mr. Praveen Akhauri, S.C. (Mines)-I has no objection.

Considering the same, the order dated 18.08.2021 passed by the Deputy Commissioner, Ranchi in Mutation Revision Case No. 28R15/2017-18 is hereby set aside.

On the joint prayer of the parties, let the Mutation Revision Case No. 28R15/2017-18 be fixed on 15.12.2022 before the Deputy Commissioner, Ranchi so that parties shall appear before him on that day.

The Deputy Commissioner, Ranchi shall fix a date of hearing and after giving opportunity of hearing to the parties and on the basis of the materials, dispose of the revision application in accordance with law.

The writ petition is accordingly disposed of.

Pending I.As stand closed.

Let a copy of this order be communicated to the Deputy Commissioner, Ranchi through FAX/e-mail.

(Kailash Prasad Deo, J.)

Sunil/-