

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7920 of 2012

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Jung Bahadur Singh S/O Late Ramadhar Singh, R/O Vill+P.O.-Gheghtha ,
P.S.-Chapra Muffasil, Distt-Saran

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Revenue cum Land Reforms Department, Government of Bihar, Patna
3. The Collector District Magistrate Saran at Chapra
4. The Deputy Collector, Land Reforms, Sadar, Chapra
5. The Circle Officer, Sadar, Chapra
6. Shri Sachichidnand Rai S/O Late Vishwanath Rai, R/O Vill+P.O.-Geghta, P.S.-Chapra Mufassil, Distt-Saran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary

For the Respondent No.1 to 5 : Mr. Rajiv Roy, G.P. V

Mr. Dharmendra Kr. Singh, AC to GP V

For the Respondent No. 6 : Mrs. Sangita Sharma

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 24-09-2015 Heard the parties.

The petitioner is aggrieved by the order dated 21.03.2005 passed in Money Lenders Revision Case No. 4 of 2004 by the respondent Collector, Saran, Chapra, as contained in Annexure-4, whereby the aforesaid revision application filed on behalf of the petitioner under Section 45 of The Bihar Money-Lenders Act, 1974 (in short 'Act, 1974') has been dismissed mechanically by a most cryptic order.

Learned counsel appearing on behalf of the petitioner submits that in view of the observations made by the civil court in Title Suit No. 118 of 1996, the petitioner filed a petition before the respondent Circle Officer under the provisions of the Act, 1974, but that was rejected, whereafter the appeal preferred on behalf of the petitioner before the respondent D.C.L.R. was also dismissed by order dated 11.09.2004 (Annexure-3) without considering the



case of the parties in its proper perspective. It is contended that against the impugned appellate court, the petitioner preferred aforesaid revision application before the respondent District Collector, but the respondent District Collector without applying his independent judicial mind to the facts of the case and without considering the case of the parties, has dismissed the aforesaid revision application mechanically by practically one line order. Therefore, according to him, the impugned revisional order is not sustainable on that ground alone.

The matter has been contested by the learned G.P. 5 appearing on behalf of the respondent no. 1 to 5 and the learned counsel appearing on behalf of the respondent no. 6, but, admittedly, they have not filed their counter-affidavit(s) till date controverting the averments made in the writ petition.

After having heard the parties, this Court is of the considered opinion that the matter requires reconsideration and fresh decision by the revisional authority. Admittedly, the respondent District Collector, while passing the impugned revisional order, has not recorded any reason for rejecting the revision application filed on behalf of the petitioner, and has mechanically affirmed the orders passed by the respondent Anchal Adhikari as also the respondent D.C.L.R.

For the reasons recorded above, the impugned revisional order dated 21.03.2005 (Annexure-4) passed in Money Lenders Revision Case No. 4 of 2004 by the respondent District Collector, Saran, Chapra, is hereby set aside and quashed, and the matter is remitted back to the respondent District Collector, Saran, Chapra with a direction to decide the aforesaid revision application filed on behalf of the petitioner afresh by a reasoned and speaking order

after giving an opportunity of hearing to the parties.

In order to expedite the matter, the petitioner and respondent no.6 are hereby directed to appear before the respondent District Collector, Saran, Chapra within a period of two months from today with a certified copy of the present order, whereafter the respondent District Collector shall fix a firm date and shall decide the aforesaid revision case afresh strictly in accordance with law.

The parties shall be at liberty to raise all the issues of facts and law before the revisional authority, which may be available to them.

The writ petition stands allowed to the extent indicate above.

(Birendra Prasad Verma, J)

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