

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17793 of 2013

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Shambhu Kumar Sah, Son of Sri Ram Narayan Sah, Resident of Village-
Bijalpura, Police Station- Arer, District- Madhubani.

.... Petitioner/s

Versus

1. Zila Parishad, Madhubani through its Deputy Development Commissioner cum Chief Executive Officer.
2. The Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Madhubani.
3. Shatrughan Kumar Thakur, Son of Sri Jageshwar Thakur, Resident of Village- Kapasiya, P.S.- Arer, District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Baidya Nath Thakur Mr. Shankar Kr. Thakur
For the Respondent-Zila Parishad	:	Mr. Amitesh Kumar
For the Respondent no.3	:	Mr. Manoj Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 09-10-2015 Heard the parties.

By the impugned order dated 22.6.2013 the respondent Deputy Development Commissioner –cum- Chief Executive Officer, Zila Parishad, Madhubani has cancelled the settlement made in favour of the petitioner *inter alia* on grounds that he has sublet the shop in favour of the private respondent.

Amongst the other issues raised in the present writ petition, the primary issue which falls for consideration is whether the petitioner was heard before the order was passed. Despite the matter pending since 2 years and opportunity given, there is no counter affidavit on behalf of the respondents to

answer whether any opportunity was given to the petitioner before passing the impugned order.

Mr. Manoj Kumar Jha, learned counsel appears for the private respondent to submit that he is in occupation of the shop since 2009.

In the circumstances discussed and since there is no counter affidavit to rebut that the petitioner was denied notice or opportunity of hearing to defend himself, the order impugned dated 22.6.2013 passed by the Deputy Development Commissioner –cum- Chief Executive Officer, Zila Parishad is quashed and set aside. The matter is remitted back to the Chief Executive Officer, Zila Parishad, Madhubani for its consideration and disposal afresh but after giving opportunity of hearing to the petitioner as well as the private respondent. An expeditious disposal preferably within a period of three months would be appreciated.

The writ petition is allowed.

(Jyoti Saran, J)

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