

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6224 of 2009

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Nagendra Kumar Mishra,, son of Late Ramashish Mishra, resident of
village- Pujaha Brahman Toli, Police Station- Bairia, District- West
Champaran .

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, West Champaran, Bettiah.
3. The Additional Collector, Land Reforms, West Champaran, Bettiah.
4. The Circle Officer, Bairia, District West Champaran.
5. The Sub Divisional Officer, Bettiah, West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. N. C. Verma
Mr. Milind Kumar Mishra
For the Respondent/s : Mr. T. Khan, AC to SC-12

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 10-08-2015 Heard the parties.

The petitioner is aggrieved by the order dated 22.10.2008 (Annexure-3) passed by the respondent District Collector, West Champaran, Bettiah, whereby Jamabandi running in the name of the father of the petitioner with respect to the lands under dispute mentioned in the impugned order has been cancelled for the reasons recorded in that order.

Learned counsel appearing on behalf of the petitioner submits that the impugned order has been passed in violation of the rules of natural justice as before passing the impugned order neither any show cause notice was issued nor any opportunity of hearing was given to the petitioner or his father.

Though a counter-affidavit has been filed on behalf of

the respondent no. 2 to 5, but the learned State counsel has fairly conceded that no show cause notice was issued to the petitioner or his father before passing the impugned order.

I have disposed of the identical matter vide C.W.J.C. No. 18562 of 2008 today itself wherein I have remitted the matter to the respondent District Collector, West Champaran, Bettiah, with a direction to pass a fresh order in accordance with law.

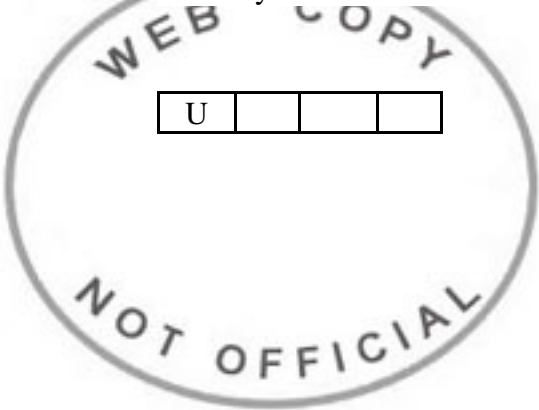
For the reasons recorded in the order passed in C.W.J.C. No. 18562 of 2008 as also on the ground of violation of the principles of natural justice, the impugned order dated 22.10.2008 (Annexure-3) passed by the respondent District Collector, West Champaran, Bettiah, is hereby set aside and quashed and the matter is remitted back to him with a direction to pass a fresh order strictly in accordance with law, but before doing that he must give an opportunity of hearing to the petitioner and for placing his materials in support of his claim over the lands in question.

In order to facilitate the early disposal of the matter, the petitioner is hereby directed to appear before the respondent District Collector, West Champaran, Bettiah,, within a period of two months from today with a certified copy of the present order, whereafter the respondent District Collector, West Champaran, Bettiah, shall proceed further in accordance with law. In case the petitioner fails to appear before the respondent District Collector, West Champaran, Bettiah, within the period prescribed above, then the present writ petition shall be construed to have been rejected on account of non-compliance of the Court's order.

The present writ petition stands allowed to the extent indicated above.

(Birendra Prasad Verma, J)

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