

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14620 of 2013

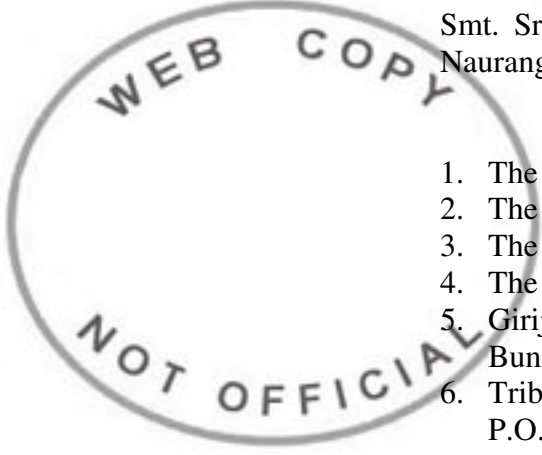
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Smt. Srimani Devi Wife of Sri Mahendra Singh, Resident of Village -
Nauranga Tola Jagdishpur, P.S. Moffasil, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Gaya
3. The Land Reforms Deputy Collector Gaya
4. The Anchal Adhikari Manpur Gaya
5. Girija Rai Son of Late Raghu Raut, Resident of Village - Shikhar, P.O. Buniyad Ganj, P.S. Moffasil, District - Gaya
6. Tribeni Rai Son of Late Raghu Raut, Resident of Village - Shikhar, P.O. Buniyad Ganj, P.S. Moffasil, District - Gaya
7. Sharwan Rai Son of Gaya Raut, Resident of Village - Sikhar, P.O. Buniyad Ganj, P.S. Moffasil, District - Gaya
8. Madhuri Rai Son Of Gaya Raut, Resident Of Village - Sikhar, P.O. Buniyad Ganj, P.S. Moffasil, District - Gaya
9. Jagdish Rai Son of Baldeo Raut, Resident of Village - Sikhar, P.O. Buniyad Ganj, P.S. Moffasil, District - Gaya
10. Upendra Rai Son of Gauri Shankar, Resident of Village - Sikhar, P.O. Buniyad Ganj, P.S. Moffasil, District - Gaya
11. Rajendra Rai Son of Gauri Shankar, Resident of Village - Sikhar, P.O. Buniyad Ganj, P.S. Moffasil, District - Gaya
12. Arjun Rai Son of Gajadhar Rai, Resident of Village - Sikhar, P.O. Buniyad Ganj, P.S. Moffasil, District - Gaya
13. Bimal Rai Son of Gajadhar Rai, Resident of Village - Sikhar, P.O. Buniyad Ganj, P.S. Moffasil, District - Gaya
14. Raj Kumar Rai Son of Gajadhar Rai, Resident of Village - Sikhar, P.O. Buniyad Ganj, P.S. Moffasil, District - Gaya
15. Munmun Rai Son of Gajadhar Rai, Resident of Village - Sikhar, P.O. Buniyad Ganj, P.S. Moffasil, District - Gaya
16. Doman Rai Son of Late Prayag Raut, Resident of Village - Sikhar, P.O. Buniyad Ganj, P.S. Moffasil, District - Gaya
17. Ajay Kumar Son of not Known, Resident of Jiwahari Colony, P.O. Manpur, P.S. Muffasil, District - Gaya
18. Smt. Lali Devi Wife Sarwan Rai, Resident of Village - Sikhar, P.O. Buniyad Ganj, P.S. Moffasil, District - Gaya
19. Smt. Radhiya Devi Wife Nagheshwar Rai, Resident Of Village - Gare, P.O. Manpur, P.S. Moffasil, District - Gaya
20. Rameshwar Yadav Son of Nathun Yadav, Resident of Village Delha, P.S. Delha, District - Gaya
21. Smt. Malti Devi Wife of nNot Known, Resident Of Village - Bara Gandhar, P.S. Moffasil, District - Gaya
22. Ranjit Kumar Nirala Son of not Known, Resident of Village - Bara Gandhar, P.S. Moffasil, District - Gaya
23. Jitan Rai Son of Not Known, Resident of Village - Bara Gandhar, P.S. Moffasil, District - Gaya
24. Ram Deo Raut Son Of Not Known, Resident of Village - Bara Gandhar, P.S. Moffasil, District - Gaya
25. Sanjay Singh Son of Sidheshwar Singh, Resident of Village - Gehlore,



P.S. Atari, District Gaya, At Present Sheopuri Colony Abgila, P.S. Moffasil, District - Gaya
26. Utam Chand Son of Bachu Narain, Resident of Mohalla - Manpur
Gopal Ganj Road, P.S. Buniyad Ganj, District - Gaya
..... Respondent/s

Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha
For the Respondent No.1 to 4 : Mr. Shyameshwar Kr. Singh, AC to GP-12
For the Respondent No. 6, 9 to 16: Mr. Abhay Kumar Singh No.1
Mr. Bharat Bhushan
Mahesh Prasad

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 07-12-2015

Heard the parties.

The petitioner is aggrieved by the order dated 09.06.2012 passed in Bihar Land Dispute Resolution Case No. 263 of 2011-12 by the respondent D.C.L.R., Sadar, Gaya, as contained in Annexure-3, whereby the claims raised on behalf of the respondent no. 5 and 6 with respect to the lands under dispute under the provisions of The Bihar Land Disputes Resolution Act, 2009 (In short 'Act, 2009') has been allowed and a direction has been issued to the respondent Anchal Adhikari, Manpur, Gaya for taking appropriate consequential steps.

The learned counsel appearing on behalf of the petitioner submits that plot no. 95, area 56 decimals was purchased by the writ petitioner through registered sale deed dated 08.01.1991 (Annexure-1) from one Sharwan Rai (respondent no.7), yet while deciding the aforesaid case filed on behalf of the respondent no. 5 and 6, neither the petitioner was impleaded as party respondent in the aforesaid case nor she was given any opportunity of hearing. According to the learned counsel appearing on behalf of the petitioner, the impugned order is liable to be set aside and quashed on the ground of violation of the rules

of natural justice.

By an order dated 02.12.2014, notice was issued to the respondent no. 2 to 26 by a Bench of this Court. In response thereof, some of the respondents entered appearance, but most of them have not filed their counter-affidavit controverting the claims raised on behalf of the writ petitioner. A short counter-affidavit has been filed on behalf of the respondent no. 10, 11, 12 and 14, but the issue raised on behalf of the petitioner about violation of the rules of natural justice has not been controverted even in the aforesaid counter-affidavit.

In above view of the matter, this Court is of the opinion that the matter requires reconsideration and fresh decision by the respondent D.C.L.R., Sadar, Gaya, as apparently there has been violation of the rules of natural justice before passing the impugned order as contained in Annexure-3.

For the reasons recorded above, the impugned order dated 09.06.2012 passed in Bihar Land Dispute Resolution Case No. 263 of 2011-12 by the respondent D.C.L.R., Sadar, Gaya, (Annexure-3) is hereby set aside and quashed and the matter is remitted back to the respondents D.C.L.R., Sadar, Gaya, with a direction to decide the aforesaid case afresh after giving an opportunity of hearing to all concerned including the writ petitioner.

In order to expedite the matter, the petitioner as also the private respondents are hereby directed to appear before the respondent D.C.L.R., Sadar, Gaya within a period of one month from today with a certified copy of the present order, whereafter the respondent D.C.L.R., Sadar, Gaya shall decide the aforesaid case afresh strictly in accordance with law, but before passing

final order, opportunity of hearing must be given to all concerned including the petitioner.

The parties shall be at liberty to raise all the issues of facts and law before the respondent D.C.L.R., Sadar, Gaya, which may be available to them with respect to the lands under dispute.

The writ petition stands allowed to the extent indicated, but with the observations and directions made above. However, the parties are left to bear their own costs.

(Birendra Prasad Verma, J)

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