

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4027 of 2009

With
Interlocutory Application No.5718 of 2009

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1. Nago Yadav
2. Ganeshi Yadav
Both sons of late Madan Yadav, resident of village-Dhanawa Tola, Kashiya
Dih, P.S.-Bodh Gaya, District-Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chairman of the Bihar Bhoodan Yagna Committee, Kadamkuan,
Patna-13.
3. The Secretary of the Bhoodan Yagna Committee, Bhoodan Office,
Gaya, Bihar.
4. Sri Deoki Yadav, son of late Budh Yadav, resident of village-Dhanwa,
P.S.-Bodh Gaya, District-Gaya (expunged vide order dated 29.04.2015
and substituted by his following heirs and legal representatives)-
(i) Manoj Yadav, son of late Deoki Yadav, resident of village-Domiya
Tola Kashiya Daih, P.O.+P.S.-Gurua, District-Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Jee
For the Respondent nos.2&3 : Mrs. Alka Verma
For the Respondent no.4 : Mr. Vijay Bharti

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 28-08-2015 Heard learned counsel appearing on behalf of the
petitioners, learned counsel appearing on behalf of the respondent
nos.2 and 3 and learned counsel appearing on behalf of the
substituted respondent no.4. However, none appears on behalf of
the respondent no.1, the State of Bihar.

The petitioners are aggrieved by the
order/communication dated 15.11.2008 issued under the signature
of the Chairman, Bihar Bhoodan Yagna Committee, as contained
in Annexure-6 to the writ petition, whereby the Office Secretary of
the District Bhoodan Yagna Office, Gaya has been directed to



exclude the name of the petitioners from the Praman Patra No.710795 dated 23.09.1997, whereby the lands in question were allotted to the beneficiaries under the provisions of The Bihar Bhoodan Yagna Act, 1954. By the aforesaid communication, it has further been directed that only original respondent no.4, Deoki Yadav, who is now dead and has been substituted by his heirs and legal representatives, shall be treated to be Bhoodan Kisan regarding the lands in question.

The petitioners have filed I.A.No.5718 of 2009 assailing the validity of the modified Praman Patra dated 30.05.2009 issued to the original respondent no.4, as contained in Annexure-7 to the aforesaid Interlocutory Application.

Learned counsel appearing on behalf of the petitioners submits that the action of the respondent Chairman is not sustainable on the ground of violation of rules of natural justice. According to him, the impugned direction was issued by the respondent Chairman of Bhoodan Yagna Committee for removal of the name of the petitioners from the Praman Patra without either issuing any show cause notice to them or giving any opportunity of hearing.

Though, this writ petition was filed way back on 31.03.2009 and the matter is pending for more than six years, yet no counter affidavit has been filed on behalf of the respondent nos.2 and 3 controverting the averments made in the writ petition particularly in paragraph 19 wherein it has been alleged that no notice was issued to the petitioners before issuance of the impugned letter/communication.

Learned counsel appearing on behalf of the respondent no.4 has contested the claim of the petitioners by

referring to the averments made in the counter affidavit filed on behalf of the original respondent no.4. However, he has not been able to show that before issuance of the impugned letter/communication either any notice was issued or any opportunity of hearing was given to the petitioners. He is also not in a position to deny the averments made in paragraph 19 of the writ petition on behalf of the petitioners about the violation of the rules of natural justice.

After having heard the parties and on consideration of the materials available on the record, this Court is of the opinion that the matter requires re-consideration and fresh decision by the respondent Chairman (respondent no.2), as evidently rules of natural justice was not followed. Furthermore, this Court finds that the action for cancellation of any Praman Patra is required to be taken under Section 21 of The Bihar Bhoodan Yagna Act, 1954, but that has not been done in the present case.

For the reasons recorded above, the impugned letter/communication dated 15.11.2008 issued by the respondent no.2, as contained in Annexure-6 to the writ petition, as also all the consequential actions taken on the basis of the aforesaid letter, are hereby quashed and set aside and the matter is remitted back to the respondent Chairman (respondent no.2) for passing afresh order in accordance with law after giving an opportunity of hearing to all concerned including the petitioners and the substituted respondent no.4.

In order to facilitate the early disposal of the matter, let the petitioners and the substituted respondent no.4 appear before the respondent no.2 within a period of four weeks from

today with a certified copy of the present order, whereafter he shall fix a firm date for deciding the matter afresh after giving an opportunity of hearing to all concerned.

It is clarified that, if either the petitioners or the substituted respondent no.4 fail to appear before the respondent Chairman within the aforesaid period of time, then the Chairman shall be at liberty to pass a fresh order in accordance with law.

The writ petition stands allowed to the extent indicated above. The I.A.No.5718 of 2009 also stands accordingly disposed of.

(Birendra Prasad Verma, J)

Arvind/-

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