

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17094 of 2013

=====

Ramautar Prasad, Son Of Late Bisi Mahto, R/O Village- Bhadeji, P.S.-
Moffasil, District- Gaya

.... Petitioner/s

Versus

1. Suresh Mohan Datta, Son Of Late Ekram Mohan Datta, Resident Of Mohalla- Kabirbagh, Tekari Road, P.S.- Kotwali, District- Gaya
 2. Bimal Krishn Tetarway, Son Of Late Balkrishn Narain Tetarway, Resident Of Village- Andheri Lok Khandelwal Complex, Shastri Nagar, Indian Bank Officer Colony, Uttra Apartment, Plot No.- 601, West Andhri, Mumbai
 3. Balkrishn Narain Tetarway, Son Of Etwari Lal, Resident Of Super Tak Colony, Vaishali, Sector- 9, Q. No.- 201, New Delhi
 4. Ramesh Mohan Datta,
 5. Naresh Mohan Datta
- Both Sons Of Late Ek Ram Mohan Datta, Mohalla- Kabirbagh, Tekari Road, P.S.- Kotwali, District- Gaya
6. District Magistrate, Gaya
 7. Deputy Collector, Land Reforms, Sadar, Gaya

.... Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sanjeet Kumar, Adv. Mr.Raj Kamal, Adv.
For the Respondent nos.1to5	:	Mr. Ram Prawesh Kumar, Adv.
For the Respondent nos.6&7	:	Mr.Rajesh Kumar, AC to GP-28

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 08-12-2015 Heard the parties.

The petitioner is aggrieved by the order dated 31.05.2013 passed in Bihar Land Dispute Resolution Case No.302 of 2012-13 by the respondent D.C.L.R., Sadar (Gaya), as contained in Annexure-1, whereby the petition filed by the respondent no.1 under the provisions of The Bihar Land Disputes Resolution Act, 2009 (in short 'Act, 2009') has been allowed with certain directions to the Anchal Adhikari, Manpur.

The learned counsel appearing on behalf of the petitioner submits that the part of the land, which was subject

matter of consideration in the aforesaid Case No.302 of 2012-13 before the respondent D.C.L.R., Sadar (Gaya), was/is belonging to the petitioner, but in the aforesaid proceeding, petitioner was not impleaded as party respondent and no opportunity of hearing was given to him before the impugned final order was passed. It is contended that the impugned order is liable to be set aside and quashed on the ground of violation of rules of natural justice alone, besides on merits.

The learned counsel appearing on behalf of the private respondents as also the learned counsel appearing on behalf of the official respondents, though have opposed the prayer made on behalf of the petitioner, but they have not been able to show that, before passing the impugned final order, an opportunity of hearing was given to the petitioner.

After having heard the parties and taking into consideration the materials available on the record, this Court is of the opinion that the entire matter requires re-consideration and fresh decisions by the respondent D.C.L.R., Sadar (Gaya), as apparently before passing the impugned final order an opportunity of hearing was not given to the petitioner and there has been violation of rules of natural justice.

For the reasons recorded above, the impugned order dated 31.05.2013 (Annexure-1) passed in Bihar Land Dispute Resolution Case No.302 of 2012-13 by the respondent D.C.L.R., Sadar (Gaya), the competent authority under the meaning of the Act, 2009, is hereby set aside and quashed and the matter is remitted back to him with a direction to decide the aforesaid case afresh after giving an opportunity of hearing to all concerned including the petitioner and the private respondents, besides

others, if any.

In order to expedite the matter, the petitioner and the private respondents are hereby directed to appear before the respondent D.C.L.R., Sadar (Gaya) with a certified copy of the present order within a period of one month from today, whereafter the respondent D.C.L.R., Sadar (Gaya) shall proceed further for deciding the aforesaid case filed on behalf of the respondent no.1 afresh, but before passing any final order, an opportunity of hearing must be given to all concerned including the petitioner and the private respondents.

The parties shall be at liberty to raise all the issues of facts and law before the respondent D.C.L.R., 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)

Arvind/-

U			
---	--	--	--