

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15980 of 2014

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Smt. Mathia Devi @ Mathia Devi, wife of Mahendra Paswan, R/O Village-Kamarchak, P.O.- Bishambharpur, P.S.- Kalyanpur, District- East Champaran at Motihari, Presently Mukhia of Gram Panchayat Raj Parsauni Wazid, P.O.- Parsauni Wazid, P.S.+Circle+Block- Kalyanpur, District- East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Collector, East Champaran at Motihari.
4. District Panchayati Raj Officer, East Champaran at Motihari.
5. Sub Divisional Officer, Chakia East Champaran at Motihari.
6. The Block Development Officer, Prakhand Kalyanpur, District- East Champaran at Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey

For the Respondent/s : Mr. Vijay Kumar Verma, AC to GA-3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 09-03-2015 Heard Mr. Upendra Kumay Chaubey, learned counsel appearing on behalf of the petitioner and Mr. Vijay Kumar Verma, learned Assisting Counsel to Government Advocate No.3 for the State.

The petitioner is aggrieved by the order bearing Memo no.337 dated 31.5.2014 issued under the signature of the District Panchayat Raj Officer, East Champaran at Motihari, whereby the petitioner has been directed to deposit a sum of Rs.7,68,500/- in the light of some direction issued by the District Magistrate, East Champaran at Motihari. The petitioner is also



aggrieved by a follow up letter of the same officer, i.e. the District Panchayat Raj Officer, East Champaran at Motihari dated 27.1.2015 issued in the same context. The orders impugned are placed at Annexure-4 to the writ petition and Annexure-6 to the supplementary affidavit.

The only ground raised by the petitioner to question the order is that it has been passed behind the back and without giving any opportunity of hearing to the petitioner to respond against the allegations made thereunder. He further submits with reference to Annexure-5 that although the petitioner by invoking the provisions of Right To Information Act, 2005 has demanded the documents relied upon by the respondents for issuing the orders impugned but even the said documents have not been received by the petitioner.

A shoddy counter affidavit has been filed at the instance of the District Panchayat Raj Officer who simply shifts the responsibility of responding to the issue raised by the petitioner on the District Magistrate, East Champaran at Motihari. Whereas the only issue which required an answer by the District Panchayat Raj Officer is whether the orders impugned have been passed after giving an opportunity of hearing to the petitioner but the counter affidavit is silent on the

same.

In the circumstances discussed the orders impugned are unsustainable and cannot be upheld.

In the result, this writ petition is allowed. The orders of the District Panchayat Raj Officer, East Champaran at Motihari dated 31.5.2014 and 27.1.2015 as contained in Annexure-4 to the writ petition and Annexure 6 to the supplementary affidavit are set aside.

This order would, however, not preclude the respondents to proceed in the matter in accordance with law after supplying the necessary documents to the petitioner and pass orders after giving him reasonable opportunity of responding to the allegations as well as opportunity of personal hearing.

(Jyoti Saran, J)

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