

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23959 of 2013

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Kedar Nath Singh, Son Of Late Madhusudan Singh, Resident Of Village-
Bardoha, P.S.- Narpatganj, District- Araria

.... Petitioner/s

Versus

1. The State Of Bihar Through Divisional Commissioner, Purnea, Division-
Purnea
2. The Member of the Bihar Land Reform Tribunal Bihar, Patna
3. The Deputy Collector, Land Reforms, Forbesganj Araria
4. The Circle Officer, Narpatganj, Araria
5. Ram Chandra Singh, Son Of Late Ramrup Singh, Resident Of Village-
Bardaha, P.S. Narpatganj, Distt. Araria

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. R.C.Thakur, Adv. Mr.Kamal Kishore Singh, Adv.
For the Respondent nos.1to4	:	Mr. Anirban Kundu, SC-24 Mr.Sudhanshu Shekhar, AC to SC-24
For the Respondent no.5	:	Mr.Bidhanesh Mishra, Adv. Mrs.Tanuja Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 08-09-2016

Heard the parties.

The petitioner is aggrieved by the order dated 23rd October, 2013 passed by the learned Bihar Land Tribunal, Patna in B.L.T. Case No.229 of 2013, as contained in Annexure-6 to the writ petition, whereby the aforesaid case filed by the respondent no.5 herein was allowed and the original order dated 03.08.2011 passed by the Competent Authority-cum-D.C.L.R., Forbesganj, as contained in Annexure-4, under the provisions of The Bihar Land Disputes Resolution Act, 2009 (in short 'Act, 2009') as also the appellate order dated 05.9.2012 passed by the Divisional Commissioner, Purnia, as contained in Annexure-5, have been set aside.

It is not in dispute that the writ petitioner filed a case



under Section 13 of the Act, 2009 before the respondent D.C.L.R., Forbesganj giving rise to Case No.12 of 2010-11, which was finally allowed by an order dated 03.08.2011 (Annexure-4). It is also not in dispute that the respondent no.5, being aggrieved by the aforesaid order, filed Land Dispute Appeal No.31 of 2012 before the respondent Divisional Commissioner, Purnia, which was finally dismissed by an order dated 05.09.2012 (Annexure-5).

The learned counsel appearing on behalf of the petitioner submits that, against the aforesaid two orders, the respondent no.5 herein filed aforesaid B.L.T. Case No.229 of 2013 before the learned Bihar Land Tribunal, Patna, which has been allowed by the impugned order dated 23rd October, 2013 (Annexure-6) on the ground of violation of rules of natural justice. His grievance is that, if the orders passed by the original authority and the appellate authority were set aside on the ground of violation of rules of natural justice, then the matter ought to have been remanded back to the original authority, but the case filed on behalf of the petitioner could not have been dismissed at that stage on merits. Therefore, according to him to that extent the order impugned is not sustainable.

The learned SC-24 appearing on behalf of the respondent nos.1 to 4 and the learned counsel appearing on behalf of the respondent no.5 have strongly opposed the prayer, but they have not been able to dispute the aforesaid submissions. The learned counsel appearing on behalf of the respondent no.5 has fairly submitted that, if the matter is remitted back to the original authority for fresh consideration, then he will have no objection.

In view of the fair stand taken by the learned counsel appearing on behalf of the parties, the impugned order dated 23rd

October, 2013 passed in B.L.T. Case No.229 of 2013, is modified only to the extent that the B.L.D.R. Case No.12 of 2010-11 filed on behalf of the petitioner is remanded back to the Competent Authority-cum-D.C.L.R., Forbesganj with a direction to decide the aforesaid case afresh on merits, but, before passing any final order, reasonable opportunity of hearing must be given to all concerned including the petitioner and the respondent no.5, besides others, if any.

In order to expedite the matter, the petitioner and the respondent no.5 are hereby directed to appear before the D.C.L.R., Forbesganj within a period of one month from today with a certified copy of the present order, whereafter the respondent D.C.L.R., Forbesganj shall proceed to decide the aforesaid B.L.D.R. Case No.12 of 2010-11 afresh on merits strictly in accordance with law.

It is also clarified that the parties shall be at liberty to raise all the issues of facts and law, which may be available to them with respect to the lands in question, before the competent authority.

For the reasons recorded above, the impugned order dated 23rd October, 2013 passed in B.L.T. Case No.229 of 2013, as contained in Annexure-6, stands modified/quashed only to the extent indicated above. However, there shall be no order as to costs.

(Birendra Prasad Verma, J)

Arvind/-

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