

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21692 of 2011

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Madhu Singh W/O Raj Keshar Singh, Resident of Village- Nauranga, P.S-
Muffasil, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Gaya.
3. The Sub Divisional Officer, Sadar, Gaya.
4. The Deputy Collector, Land Reforms, Sadar, Gaya.
5. Smt. Karuna Kumari W/O Binod Kumar Roy And D/O Bhuneshwarjeet Singh Resident Of Village And Mohalla- Nauranga, P.S- Muffasil, District- Gaya.
6. Shyama Kumari D/O Bhuneshwarjeet Singh Resident Of Village And Mohalla- Nauranga, P.S- Muffasil, District- Gaya.
7. Dhirendrajeet Singh S/O Bhuneshwarjeet Singh Resident Of Village And Mohalla- Nauranga, P.S- Muffasil, District- Gaya.
8. Smt. Chandra Kali Devi W/O Late Kamta Prasad Singh Resident Of Mohalla- New Area, Biyar Talab, P.S-Civil Lines, District- Gaya.
9. Janardan Sharma S/O Late Kamta Prasad Singh Resident Of Mohalla- New Area, Biyar Talab, P.S-Civil Lines, District- Gaya.
10. Umakant Singh S/O Bashisht Singh Resident Of Mohalla- Rana Nagar, P.S- Muffasil, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar Jha, Adv.
Mr. Kumar Dhirendra Pratap Singh, Adv.
Mr. Vivek Kumar, Adv.

For the Respondent No.1 to 4 : None.

For the Respondent No. 5 to 10: None.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL JUDGMENT

11 20-08-2016 Heard the learned counsel appearing on behalf of the petitioner. However, none appears on behalf of the official respondent nos. 1 to 4, though the name of the learned State Counsel is printed in the daily cause list. None appears on behalf of the private respondents either, though the notice was issued to them by order dated 13.12.2011.

The petitioner is aggrieved by the order dated 25.3.2011 passed in Miscellaneous Case No. 9 of 2010-11/ 11 of 2009-10 by



the respondent D.C.L.R., Sadar (Gaya), as contained in Annexure-9 to the writ petition, whereby the aforesaid case filed on behalf of the private respondents for cancellation of demand running in the name of the petitioner with respect to the lands in question has been allowed ex- parte, and the demand running in the name of the petitioner has been cancelled.

The learned counsel appearing on behalf of the petitioner submits that apart from the merits, the impugned order, as contained in Annexure-9 to the writ petition, is fit to be set aside on the ground of violation of the rules of natural justice. According to him, at no point of time, notice was ever served upon the petitioner before passing the impugned final order, as contained in Annexure-9. In support of his above contention, he has referred to the entire order-sheet of the case, which has been brought on the record as Annexure-12 to the supplementary affidavit filed on behalf of the petitioner. It is contended that though, on one date i.e. 16.06.2010 notice was ordered to be issued by the respondent D.C.L.R., Sadar (Gaya), but there is nothing to show that notice was actually served upon the petitioner. Therefore, according to him, there is complete violation of the rules of natural justice.

As recorded above, none appears on behalf of the respondents. However, I have gone through the impugned order passed by the respondent D.C.L.R., Sadar (Gaya), as contained in Annexure-9. Ex-facie, impugned order has been passed ex- parte and the rules of natural justice does not appear to have been followed by the respondent D.C.L.R., Sadar (Gaya), while passing the impugned final order.

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).

For the reasons recorded above, the impugned order dated 25.3.2011 passed in Miscellaneous Case No.9 of 2010-11/11 of 2009-10 by the respondent D.C.L.R., Sadar (Gaya), as contained in Annexure-9, is hereby set aside and quashed and the matter is remitted back to the respondent D.C.L.R., Sadar (Gaya) with a direction to decide the aforesaid case afresh strictly in accordance with law, but before passing any final order, reasonable opportunity of hearing must be given to all concerned including the petitioner and the private respondent no. 5 to 10, besides others, if any.

In order to expedite the matter, the petitioner is 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 to decide the aforesaid case afresh strictly in accordance with law.

The writ petition stands allowed to the extent indicated, but with the observations and directions made above. No costs.

(Birendra Prasad Verma, J)

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