

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13664 of 2013

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Niranjan Kumar Awasthi Son Of D.S. Awasthi Resident Of Village- Bara,
P.O.+P.S.- Guraru, District- Gaya

.... Petitioner/s

Versus

1. The State Of Bihar through District Magistrate, Gaya
2. Sub Divisional Officer, Tekari, District- Gaya
3. Circle Officer, Guraru Circle, Guraru, District- Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. ALOK KUMAR @ ALOK KUMAR SHAHI

For the Respondent/s : Mr. AMAR NATH DEO

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 28-03-2016

Heard the counsel for the petitioner and the State.

Impugned in this writ application is the notice dated 19.06.2013 (Annexure-3) issued to the petitioner by the Sub-Divisional Officer, Takari, Gaya, calling upon him to file his response/reply thereto. By the said notice, the petitioner was directed to submit explanation as to why appropriate penalty/fee be not charged on him for converted use of agricultural land. It is stated that the notice requiring him to appear on 04.07.2013 was received by him only on 03.07.2013. In such circumstance, due to paucity of time, he could not appear and file his response. Referring to paragraph 13 of the writ petition, it is submitted that a direction was subsequently issued by the respondent-Sub-Divisional Officer to pay Rs.1, 35,000/- as penalty/fee.

The contention of the petitioner is that the order has been passed without affording reasonable opportunity to the petitioner. It is stated earlier also a notice was issued by the Circle Officer in response thereto a reply was filed

(Annexure-2) whereafter no order was passed. The present notice has been issued at the behest of the person(s) inimical to the petitioner.

Be that as it may, considering the fact that the petitioner was not afforded reasonable time to file his response/reply, this Court is inclined to dispose of the writ application by the following order:-

Let the petitioner file his reply/response to the notice (Annexure-3) before the respondent Sub-Divisional Officer, Takari, Gaya within 03 weeks whereafter the latter shall proceed in the case in accordance with law. If any order in the meanwhile has been passed directing payment of certain penalty/fee, the same shall remain in abeyance until passing of a fresh order by the said authority in accordance with law upon consideration of the show cause filed by the petitioner.

(Kishore Kumar Mandal, J)

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