

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1779 of 2012

IN

Civil Writ Jurisdiction Case No. 7193 of 2007

=====

1. Sheo Shankar Singh @ Shankar Singh, S/o Late Nagina Singh,
2. Lallan Singh, S/o Late Nagina Singh,
3. Baban Singh, S/o Late Nagina Singh, All resident of Village- Butai Bigha, Police
Station- Akorhigola, District- Rohtas

.... Appellants

Versus

1. The State of Bihar.
2. The Collector, Rohtas at Sasaram.
3. The Sub Divisional Officer, Dehri- on- Sone, Dehari, District- Rohtas.
4. The Deputy Collector Land Reforms, Dehari, District- Rohtas.
5. The Circle Officer, Akorhigola, Police Station Akaurhigola, District- Rohtas.
6. The Circle Inspector, Akorhigola, Police Station- Akaurhigola, District- Rohtas.
7. The Revenue Karmchari, Akaurhigola, Police Station- Akaurhigola, District-
Rohtas.
8. Sumitra Devi, W/o Baban Prasad, Resident of Village Nawadih, Police Station-
Akaurhigola, District- Rohtas At present Village- Nokha, Police Station- Nokha,
District- Rohtas.
9. Gauri Singh, son of Late Nagina Singh, resident of Village- Butai Bigha, Police
Station- Akaurhigola, District- Rohtas

.... Respondents

=====

Appearance :

For the Appellants : Mr. Ramchandra Singh, Advocate.

For the Respondents : Mr. Shiv Kumar, A.C. to G.A.7

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 03-03-2016

Heard learned counsel for the appellants and the respondents.

2. The appellants were Respondent Nos. 8, 10 and 11 before the learned Single Bench. The direction of the learned Single Bench is to the District Magistrate to ensure that benefit of allotted plot of land is given to the writ applicant in view of his plea that he has given his 85 decimals of land for construction of a Navodaya Vidyalaya but possession of alternative land has not been delivered to him.

3. The grievance of the appellants is that they were party in the writ petition but were not given any notice and *ex parte* direction has been issued against them which seriously prejudiced their interest.

4. After hearing the counsel for the appellants for some time, we find that the interest of justice would be satisfied if the District Magistrate is directed to provide an opportunity of hearing to the appellants as well before taking any decision on the request of the writ applicant. It shall be open to the aggrieved party to take recourse against the order of the District Magistrate as it may be available in accordance with law.

5. With the aforesaid direction, the Letters Patent Appeal is disposed of.

(Hemant Gupta, J)

(Navaniti Prasad Singh, J)

P.K.P.
N.A.F.R.

U			
---	--	--	--