

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1158 of 2012

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Manoj Kumar S/O Late Ram Narain Yadav Resident of at Saraigarh, P.O.
Bhaptiahi Bazar, P.S. Kishanpur, District Supaul

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Supaul, District Supaul
2. The Circle Officer, Saraigarh, Bhaptiahi, Dist. Supaul
3. Hindustan Petroleum Corporation Ltd. [HPCL], A Government of India Company registered under the provisions of Companies Act, 1956 having its registered office at 17, Jamshedji Tata Road, Mumbai- 400020 through its Chairman

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Agrawal, Adv.

For the Respondent/s : Mr. Kinkar Kumar, S.C. 27

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 12-01-2016 Heard learned counsel for the parties.

The petitioner is aggrieved by the order dated 2.8.2011 passed by the Circle Officer whereby he has cancelled the residential certificate issued in favour of the petitioner on 7.5.2011.

Apart from the fact that the petitioner to establish his residential claim merely relies upon a sale deed which again is in the name of his wife and whose permanent residence is described as Village Kothali, Pragna Naredigar, P.S. Kishanpur, District Supaul, another relevant aspect of the matter which does not persuade this Court to interfere with the order solely on ground that no opportunity was given to the petitioner before passing the order, is the information placed on record by the respondent-State at page 39 and 41 of Annexure-B which reflects that the wife of

the petitioner is a Mukhiya of Gram Panchayat, Lokaha and her name appears at serial no. 13 of the voter list of village Kodhli. Further an enquiry was conducted as to the residential claim of the petitioner and the report present at page 40 mentions that although a hutment is built on the land so purchased in the name of the wife of the petitioner but the local residents have mentioned that the petitioner's family does not reside at that place. Apart there from there is nothing on record of the proceedings to support the claim of the petitioner of being a resident of the advertised location.

In the circumstances discussed an order of remand would be a mere completion of formality for in absence of any supporting document on record, a remand would not result in any other conclusion. Adherence to the principles of natural justice before passing any order resulting in civil consequences is well settled proposition but in the circumstances existing where the materials on record do not reflect any different conclusion, I find no reason to interfere with the order impugned.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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