

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13559 of 2013

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Mostt. Uttama Devi Wife Of Late Anil Kumar Das Resident Of Village - Indra
Nagar, Dhankheta, P.O. And P.S. Gogari, District - Khagaria

.... Petitioner/s

Versus

1. The State Of Bihar Through District Magistrate, Khagaria
2. District Panchayat Raj Officer, Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Poddar Suresh Gandhi, Adv.

For the Respondent/s : Mr. Rakesh Kr Samrendra, SC-21

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-12-2016

Heard learned counsel for the parties.

In the present case, the petitioner is challenging an order contained in memo no. 514/P dated 26.6.2013 whereby the Collector, Khagaria directed for recovery of a sum of Rs. 2,93,416.17/- on the ground that the aforesaid amount is outstanding against the husband of the petitioner as certain amounts were paid to him as an advance for certain work but, after reconciliation, the aforesaid amount had been shown to be outstanding. The details have been given in the impugned annexure itself.

Earlier the petitioner had moved this Court for the same relief as the District Panchayat Raj Officer, Khagaria, vide order dated 9.11.2012, had passed an order for recovery of the aforesaid amount and that was set aside on the ground that the principle of natural justice was not followed or this money can be recovered through the civil suit and quashed the order



impugned and, thereafter, the Collector, Khagaria passed the present impugned order.

In the writ application, an assertion has been made that before the order was passed by the Collector, Khagaria, no show-cause notice was served and without giving any prior notice or show-cause, the impugned order has been passed on the same and similar ground the earlier order was passed.

In the counter affidavit, the State has nowhere asserted that after quashing of the order which was passed by the District Panchayat Raj Officer, Khagaria, the Collector, Khagaria has followed the principle of natural justice before issuing the impugned order and the counter affidavit is silent on this point.

In that view of the matter, the order impugned vide memo no. 514/P dated 26.6.2013 is set aside and the matter is remanded back to the Collector, Khagaria to follow the principle of natural justice and to pass an order in accordance with law.

With the aforementioned observation, this application is disposed of.

Rishi/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.12.2016
Transmission Date	

