

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.632 of 2015
IN
Civil Writ Jurisdiction Case No. 13753 of 2010**

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1. Sangeeta Mishra wife of Late Sushil Kumar Mishra
2. Sidharth Mishra, Son of Late Sushil Kumar Mishra Both resident of Village - Bajra,
P.S. - Sahodara, District- West Champaran. Presently residing at Mohalla- Chaudhary
Tola , P.O.- Mahendru, P.S. - Sultanganj, District- Patna-6.

.... Appellant/s

Versus

1. The State of Bihar
2. The Collector, West Champaran, Bettiah
3. The Additional District, Collector, West Champaran, Bettiah
4. The Land Reforms Deputy, Collector, Narkatiyaganj, West Champaran.
5. The Anchal Adhikari, Gaunaha Anchal, West Champaran
6. The Circle Inspector, Gaunaha Anchal, West Champaran.
7. Saroj Kumar Son of Late Ram Kripal Singh
8. Ram Chandra Sah Son of Khedaru Sah
9. Rakesh Tiwari Son of Late Maheshwar Tiwari. Respondent no. 7 to 9 are resident
of Village- Bajra, P.S.- Sahodara, District- West Champaran.

.... Respondent/s

with

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**Letters Patent Appeal No. 1981 of 2016
IN
Civil Writ Jurisdiction Case No. 13753 of 2010**

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1. Saroj Kumar S/o of late Ram Kropal Singh R/o cf vill.- Bajra,police station-
Sahodara,Distt.- West champaran

.... Appellant/s

Versus

1. The State of Bihar
2. The Collector, West Champaran, Bettiah
3. The Additional District Collector, West Champaran, Bettiah
4. The Land Reforms Deputy Collector, Narkatiaganj, West Champaran
5. The Anchal Adhikari, Gaunaha Anchal, West Champaran
6. The Circle Inspector, Gaunaha Anchal, West Champaran
7. Ramchandra sah S/o khedru sah R/o of vill- Bajra,police station,sahodara,distt,- West
Champaran
8. Rakesh Tiwari S/o late Maheshwar Tiwari R/o of vill.- Bajra, police station-
Sahodara,Distt.- West Champaran
9. Sangeeta Mishra W/o of late Sushil Kumar Mishra
10. Sidhatth Mishra S/o Late Sushil Kumar Mishra R/o of vill.- Bajra,police station-
Sahodara,Distt.- West Champaran at present residing at C/O Nirmala Devi,Mohalla-
Chaudhary Tola, post office - Mahendru, police station- Sultanganj, Distt.- Patna

.... Respondent/s

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Appearance :

(In LPA No.632 of 2015)

For the Appellant/s : Mr Madhukar Krishna Sinha
Mr. Ashutosh Singh
For the State : Mr. SC 9 Kinkar Kumar



For Respondent No.7 : Mr Suraj Narayan Yadav
Mr Binod Kumar Sinha
(In LPA No.1981 of 2016)
For the Appellant/s : Mr Suraj Narayan Yadav
Mr. Binod Kumar Sinha
For the State : Mr. Md. Khurdshid Alam, AAG 12
For Respondent No.9 : Mr Madhukar Krishna Sinha
Mr Ashutosh Singh

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 26-07-2017

Both the appeals are taken up together. Heard counsel for the parties in both the appeals and the counsel for the State.

Vide order dated 05.09.2014 in the writ application filed by the appellants of LPA No.632 of 2015, in which the appellant of LPA No.1981 of 2016 was private respondent no.7, the learned Single Judge having heard the parties and after going into the merits of the matter came to a considered opinion that an order earlier passed by the LRDC could not be reviewed since there is no power of review. He, therefore, set aside the order dated 17th March, 2008 as well as the inspection report based on which the subsequent order was passed by the LRDC and remanded the matter back for fresh consideration after giving opportunity of hearing to both the parties and a fresh inspection.

This Court was also taken through the previous order passed by the LRDC, Narkatiaganj. After going through the said order, the Court comes to a considered opinion that since the parties were not



given fair and free opportunity to place their case and surely on the statement made one sided, the LRDC allowed the appeal and ordered as he did in the case. It is essential that an opportunity of hearing in such a contested matter must be given to both the sides. Merely going by the statement made in the order that despite notice, the other side did not appear, seems to be a managed kind of service of notice, especially when the parties are here before the High Court keenly contesting the issue.

In the given facts, therefore, the order of the learned Single Judge to set aside the order, remand the matter back for fresh consideration and that too within a time frame of six months, cannot be said to be irrational order or illegal order. Both the appeals stand disposed of with a direction that the parties, who are before this Court, will now get opportunity before the authorities for a fresh hearing and the time frame, which has been fixed by the learned Single Judge, should be adhered to from now. No interference is required with the order of the learned Single Judge.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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AFR/NAFR	NAFR
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