

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1170 of 2012

In
Civil Writ Jurisdiction Case No.1332 of 2008

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1. The State Of Bihar Through Secretary, Revenue And Land Reforms Department, Bihar, Patna
 2. The Secretary, Revenue And Land Reforms Department, Bihar, Patna
 3. The Deputy Secretary , Revenue And Land Reforms Deptt. Bihar, Patna
 4. The Collector Cum District Magistrate, Patna

... .. Appellant/s

Versus

Harijan Vikash Kendra, Through Its President Sri Drignomeshwar, At Harding Road, P.O. - G.P.O., District - Patna

... .. Respondent/s

with
Letters Patent Appeal No. 1617 of 2013
In
Civil Writ Jurisdiction Case No.1332 of 2008

Sant Ravidas Ashram, Abailey Road, Patna Through Its Chairman, Sri Baleshwar Ram Son Of Late Batahu Ram Resident Of Mohlla Sri Krishna Puri, P.S. Sri Krishna Puri, District Patna

... .. Appellant/s

Versus

1. The State Of Bihar, Through The Chief Secretary, Revenue and Land Reforms Department, Bihar, Patna
2. The Secretary, Revenue And Land Reforms Department, Bihar, Patna
3. The Deputy Secretary, Revenue And Land Reforms Department, Bihar, Patna
4. The Collector, Cum District Magistrate, Patna
5. Harijan Vikash Kendra, Registered Society Under Society Registration Act Xxi Of 1860 Through Its President Sri Drigonmeshwar, T Harding Road, P.O. G.P.O., District- Patna

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 1170 of 2012)

For the Appellant/s : Mr. Kumar Manish, SC 5

For the Respondent/s : Mr. Sri Drigonmeshwar (in person)

(In Letters Patent Appeal No. 1617 of 2013)

For the Appellant/s : Mr. Sandip Kumar, Adv.

For the Respondent/s : Mr. Drigonmeshwar (in person)

For the State of Bihar : Mr. Madanjeet Kumar, GP-20



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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-11-2017

As both these appeals arise out of common orders passed in C.W.J.C. No.1332 of 2008 and M.J.C. No.3366 of 2011, in the matter of allotment of rooms to the respondent M/s. Harijan Vikash Kendra, a registered society, and as the order, common in nature, dated 23.2.2012 is under challenge in these appeals by the appellants State Government and Sant Ravidas Ashram respectively, we propose to deal with the issue and dispose them of by this common order.

Harijan Vikash Kendra, a society registered under the Society Registration Act represented by its president one Shri Drigonmeshwar, who is present in person, invoked the writ jurisdiction of this Court and it was their claim in the writ petition that the State Government vide letter No.2282 dated 26.10.1989, Annexure 1, issued under the signature of Collector, Patna has directed that two rooms be provided to the Harijan Vikash Kendra in the building and the premises wherein Sant Ravidas Ashram is situated. The Writ Court finding that the Collector has already



issued notice and the authorities of the Ashram have not responded and are not providing the rooms, issued mandamus in question.

Both the State Government and the Ashram in question have filed these appeals. As far as the Aashram is concerned, it is their contention that the directions issued by the learned Writ Court was without impleading them as a party, without hearing them and without granting them an opportunity to demonstrate before the learned Writ Court that the order passed by the learned Collector is unsustainable. It is their case before us that two rooms in the premises of the Ashram have been directed to be given to the petitioner, but while doing so, the adverse effect of the order with regard to the right of the Ashram to part with two rooms has not been taken note of. This amounts to violation of the principles of natural justice and, on this count alone, it is argued that the appeal can be allowed.

We find that without impleading the Ashram as a party and without hearing them the impugned order has been passed and as the Ashram is adversely affected by the order inasmuch as they will have to part with two rooms in favour of the petitioner in the original writ petition, it was incumbent upon the learned Writ Court to direct for impleading the Ashram, issue notice to them, hear them and thereafter pass an order. This having



not been done, there has been a manifest error in passing the impugned order sufficient enough to allow both these appeals, quash the order passed by the learned Writ Court and remand the matter to the learned Writ Court.

Accordingly, we quash the order dated 23.2.2012, restore C.W.J.C. No.1332 of 2008 to its original file, direct the petitioner No.2, respondent herein, namely Harizjan Vikash Kendra, to implead Sant Ravidas Ashram through its competent authority as respondent No.5, serve a copy and other documents to the Ashram and the learned Writ Court is requested to proceed with the matter in accordance with law.

With the aforesaid, both the appeals stand allowed and disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

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