

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1211 of 2013
IN
Civil Writ Jurisdiction Case No. 14945 of 2008**

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Smt. Sita Singh W/O Ajay Kumar Singh Resident Of Mohalla- Kaurihar Chowk, Ward No.10, New Ward No. 19, P.O. And Police Station Raxaul, District East Champaran

.... Appellant/s

Versus

1. The State Of Bihar
2. The Commissioner, Tirhut Division, Muzaffarpur, Bihar
3. The District Magistrate, East Champaran, Motihari
4. The District Welfare Officer, Motihari, District- East Champaran
5. The Sub-Divisional Officer, Raxaul, District East Champaran
6. The Child Development Project Officer (C.D.P.O.) Raxaul, District East Champaran
7. Ward Commissioner, Ward No. 10, P.O. And Police Station Raxaul, District East Champaran
8. The Sadasya Sachiv Selection Committee, Ward No. 10, Now 19, P.O. And Police Station- Raxaul, District East Champaran
9. Smt. Neelam Mishra W/O Jai Prakash Mishra Resident Of Chhota Pareua, Kaurihar Chowk, Ward No. 10 And Now 19, Police Station And P.O.- Raxaul, District East Champaran

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Rajendra Kishore Prasad

For the Respondent/s : Mr. Bimlesh Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 01-05-2017

The sole ground on which the decision dated 25.7.2013 of the learned Single Judge passed in CWJC No.14945 of 2008 is required to be set aside and matter remanded to the Collector or the competent authority, now designated as the appellate authority, is because before the Collector, the private respondent no.9, namely, Smt. Neelam Mishra, was not given an opportunity of hearing and in the revision before the Commissioner, the present appellant was not



made a party and heard, therefore, both the orders suffer from the vice of violation of principles of natural justice.

The impugned order dated 25.7.2013 passed by the learned Single Judge, the order of the Collector dated 5.2.2008 as well as the order dated 30.6.2008 passed by the Divisional Commissioner, Tirhut are all set aside and matter is remanded back as directed above for fresh consideration.

The appeal is allowed.

It is made clear that it will be the obligation of the concerned authority to ensure that both the parties are impleaded and heard and matter re-decided after opportunity of hearing. The authorities are further directed to ensure that the matter is heard and decided within a period of 10 weeks from today. The appellant and the private respondent have an obligation to bring to the notice of the competent authority a copy of this order and they shall appear before the authority to facilitate fixing of a date of rehearing.

The respondent will not be disturbed for 10 weeks.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

