

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.62 of 2016

In

Civil Writ Jurisdiction Case No.18336 of 2012

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1. Balram Singh Son of late Hira Singh Resident of Village-Baghlatti, Po & P.s Mohanpur, District Gaya.
 2. Ravindra Singh Son of late Hira Singh Resident of Village-Baghlatti, Po & P.s Mohanpur, District Gaya.
 3. Dilendra kr. Singh Son of late Hira Singh Resident of Village-Baghlatti, Po & P.s Mohanpur, District Gaya.

... .. Appellants

Versus

1. The State of Bihar through Principal Secretary, Land Reforms Department, Bihar, Patna.
2. The Divisonal Commissioner, Magadh Division, Gaya.
3. The Collector-cum-Superintendent of Survey, Land Measurement and Settlement Officer, Gaya. null null
4. The Deputy Collector, Land Reforms, Sadar Gaya, District Gaya.
5. Circle Officer, Sadar Gaya, District Gaya.
6. The Charge officer, Municipal Survey, Gaya District Gaya.
7. Raj kumar Kaushlendra Prasad Narayan Singh son of late Raja Bahadur Harihar Prasad Narayan Singh Resident of Jamuna Apartment, Sri Krishna puri, Patna.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Durga Nand Jha
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

10 16-04-2018

Heard counsel for the appellants and counsel for the State.

We are not impressed by the line of argument made by the learned counsel for the appellants that the D.C.L.R.'s order should remain as it was and rest of the orders should go.

The learned single Judge after having gone through the issues raised both in terms of the facts and law came to an



opinion that the entire matter was required to be reconsidered afresh from the stage of Section 4 of the 2009 Act after giving an opportunity of hearing to all the parties in the aforesaid two writ applications particularly in view of the fact that the issue regarding maintainability of the petition for fixation of rent under provisions of the Act of 2009 goes to the root of the matter. This aspect of the matter had not been touched either by the original authority or by the appellate authority.

We are in agreement with the view taken by the learned single Judge that a case after quashing the entire decisions both of the appellate authority as well as the revisional authority and remitting back to the D.C.L.R., Sadar, Gaya, was required to be made.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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