

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10827 of 2017

=====

Ramagya Singh Son of Late Kishun Singh, Resident of Village- Pokhara, P.S.
Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms Department, Govt. of Bihar, Patna.
2. Member (Administrative) Bihar Land Tribunal, Patna.
3. Divisional Commissioner Tirhut Division Muzaffarpur.
4. Deputy Collector Land Reforms Sadar Motihari.
5. The Circle Officer Kotwa District East Champaran.
6. Mukesh Singh son of Ramdeo Singh Resident of Village- Pokhara, P.S. Kotwa, District- East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh
For the Respondent/s : Mr. S.C. Yadav- Gp15

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-10-2018 Heard the learned counsel for the petitioner, the learned counsel appearing on behalf of the State as well as the learned counsel for the respondent no.6.

The petitioner filed this writ petition for issuance of a writ in the nature of certiorari to quash the order dated 12.07.2017, passed by respondent no.2, Member (Administrative), Bihar Land Tribunal, Patna in B.L.T. Case No.439 of 2017 by which the order passed by the Divisional Commissioner on 20.04.2017 in B.L.D.R. Case No.48 of 2017 and the order dated 08.02.2017, passed by the Deputy Collector Land Reforms, Sadar Motihari in B.L.D.R. Case No.06 of 2015-16 have been set aside.



The sole contention of the learned counsel for the petitioner is that petitioner was respondent in this case but no notice was ever issued to the petitioner. The learned counsel for the respondent no.6 and the State have not stated that notice was ever issued to the petitioner by the Member (Administrative), Bihar Land Tribunal. On this ground alone, I find that the Member (Administrative), Bihar Land Tribunal has illegally set aside the order of the Divisional Commissioner dated 20.04.2017 passed in B.L.D.R. Case No.48 of 2017 and order dated 08.02.2017 passed by the Deputy Collector Land Reforms, Sadar Motihari in B.L.D.R. Case No.06 of 2015-16 without hearing the petitioner.

Accordingly, the order dated 12.07.2017 passed by respondent no.2, Member (Administrative), Bihar Land Tribunal, Patna in B.L.T. Case No.439 of 2017 is set aside. The matter is remitted to the Bihar Land Tribunal to decide the case afresh in accordance with law after hearing both sides.

This writ petition is allowed.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U			
---	--	--	--

