

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24330 of 2018

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Md. Israil, son of late Haji Wasimuddin, resident of village Tupamari, P.O. Belwa, P.S. and Distt. Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Kishanganj
3. Mines Insdpector-cum-Competent Officer, Kishanganj
4. Member of the Enquiry Team represented by Sub Divisional Officer, Kishanganj.
5. The Sub Divisional Officer, Kishanganj.
6. The Deputy Collector, Land Reforms, Kishanganj.
7. The District Transport Officer, Kishanganj.
8. The Anumandal Lok Shikayat Nivaran Padadhikari, Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Ranjan
For the Respondent/s	:	Mr.Gyan Prakash Ojha- GA7
		Mr. Naresh Dikshit(Spl. P.P. Mines)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioner and

Special Public Prosecutor (Mines)

This writ petition has been filed for quashing the show cause notice dated 4.12.2018 issued by Memo No. 2853/C Kishanganj by the Collector, Kishanganj, on the ground that same is wholly without jurisdiction. The show cause notice does not meet statutory requirement.

The Special P.P. (Mines) submits that till date the Collector has not passed final order in the matter. Therefore, at this stage, this writ application would be pre-mature. He further



submits that petitioner has not filed show cause before the competent authority in terms of show cause notice dated 4.12.2018 and has moved this Hon'ble Court for quashing the show cause notice.

Counsel for the petitioner submits that in the show cause notice, he has been given only 24 hours time to file show cause which is not justified. He further submits that petitioner vide Annexure-14 has made request with the authority concerned to grant at least one week time to file show cause.

In such circumstances, this writ petition is disposed off with direction to the competent authority to grant time to the petitioner till 15th January, 2019 to submit show cause before him in terms of show cause notice dated 4.12.2018 (Annexure-12). After receipt of show cause from the petitioner, the competent authority i.e. District Magistrate, Kishanganj, will dispose off the matter and pass appropriate order within one month of filing show cause by the petitioner.

Petitioner is given liberty to take recourse to the remedy available in law, in the event he will be aggrieved by the order passed by the competent authority.

In the meantime, the District Magistrate and Collector Kishanganj, will not take any coercive steps against the



petitioner till 15th January, 2019.

S.Ali/- **(Sanjay Priya, J)**

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