

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4608 of 2018

=====

Satish Prasad, Son of Late Mahendra Prasad, Resident of village - Durgapur,
Mangal Bazar, P.O. Munger, P.S.Kotwali, District - Munger - 811801.

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Munger Division, Munger.
4. The Collector, Munger.
5. The Municipal Commissioner, Munger Municipality, Munger.
6. The Additional Collector, Munger.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shahabuddin Azeem @ S. Azeem
For the Respondent/s : Md.Khurshid Alam -Aag12

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 09-04-2019 Heard learned counsel for the parties.

An order, dated 05.01.2018, passed by the Additional Collector, Munger, in Rent Fixation Appeal Case No. 01 of 2017-18, has been put to challenge in the present writ application.

By the said impugned order, dated 05.01.2018, the Additional Collector, Munger, has set aside the order, dated 29.05.2017, passed in Rent Fixation Case No. 84 of 2016-17 and has remanded the matter back to the Deputy Collector Land Reforms, Munger, to pass an order afresh after hearing the parties.



The petitioner claims his title over the land, in question, on the ground of title of his predecessors-in-interest. It is his further case that upon examining the relevant records, the Circle Officer, Munger, had made recommendations in favour of the petitioner for fixation of rent, to the Deputy Collector Land Reforms, Munger, based on which, the Deputy Collector Land Reforms, Munger, had fixed the rent in favour fo the petitioner by order, dated 29.05.2017.

The said order of the Deputy Collector Land Reforms, Munger, was challenged before the Additional Collector, Munger, by the Municipal Commissioner, Munger Municipal Corporation, Munger, giving rise to Rent Fixation Appeal Case No. 01 of 2017-18.

It is evident from the impugned order and other materials available on record that on the one hand, the Munger Municipal Corporation, Munger, is claiming possession over the land since 1952, on the basis of acquisition of land effected in 1952, against which, the erstwhile Munger Municipality had paid a sum of Rs. 26,805/- to the District Land Acquisition Officer, Munger, the petitioner, on the other hand, is claiming his title over the land.

In the proceeding before the Land Acquisition Officer,



the Municipal Corporation was impleaded as party, which is not in dispute. It is however manifest from the order of the Deputy Collector Land Reforms, dated 29.05.2017, that the Municipal Corporation was never noticed, though it was an unnecessary party.

This is the background, in which the Additional Collector, Munger, has set aside the order after recording that the ex parte order, dated 29.05.2017, has been passed without any notice and without affording any opportunity of hearing to the Municipal Corporation, Munger. The Additional Collector, Munger, after setting aside the order of the Deputy Collector Land Reforms, has remanded the matter back for fresh consideration after giving the parties an opportunity of hearing.

In my opinion, the order passed by the Additional Collector, Munger, dated 05.01.2018, is just and proper in the facts and circumstances noted above and does not suffer from any infirmity, illegality or irregularity, requiring this Court's interference under Article 226 of the Constitution of India.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Ashish/-

U			
---	--	--	--

