

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5741 of 2021

Tripurari Singh

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha
For the Respondent/s : Mr. Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 16-11-2022 Heard the parties.

Learned counsel for the petitioner submits that the impugned order dated 28.08.2019 in Rent Fixation Case No. 02/2019-20 has been passed without hearing the petitioner. In support of the same learned counsel for the petitioner has taken this Court to the order dated 28.08.2019.

Heard learned counsel for the State.

Learned counsel for the State after going through the order dated 28.08.2019 has not been able to show this fact that the petitioner was heard before the order 28.08.2019 was passed.

It is well settled that the party should be heard before any order prejudicial to him is passed by any authority.

In these circumstances, the order dated 28.08.2019 passed in Rent Fixation Case No. 02/2019-20 is bad in law and

therefore it is quashed.

The matter is remitted back to the Circle Officer, Sono, Jamui for fresh consideration after hearing the petitioner.

The petitioner will appear before the Circle Officer, Sono, Jamui on 05th December, 2022 with a copy of this order and the Circle Officer, Sono, Jamui will fix a date of hearing on that day and thereafter will pass an order after hearing the petitioner and examining the records/documents filed by the petitioner.

With the aforesaid observation and direction, this application is allowed.

Till the matter is decided again by the Circle Officer, the possession of the petitioner shall not be disturbed and no third party right shall be created over the land in question.

(Sandeep Kumar, J)

Shishir/Vikas

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