

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4538 of 2023

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Santosh Kumar Son of Late Ramashrany Sharma Resident of Village- Thana Bigha, P.S.- Parwalpur, District- Nalanda at Biharsharif.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Collector, Nalanda.
3. The Sub-Divisional Officer, Hilsa, District- Nalanda.
4. The Deputy Collector Land Reforms, Hilsa.
5. The Circle Officer, Parwalpur, District- Nalanda.
6. Gopal Kumar, Son of Late Rameshwar Prasad Resident of Village- Dinabigha, P.S.- Parwalpur, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Adv.

For the Respondent/s : Mr. Md. Khurshid Alam, (AAG 12)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 09-08-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for quashing the order dated 16.02.2023, passed by the Collector, Nalanda as contained in Memo No.1374 dated 16.02.2023 by which the Collector, Nalanda has pleased to pass an order that the cattle trading place (*Pashu Mela*) organized at village Banabigha, would be organized on Sunday in place of Saturday, on the basis of complain of person who himself is associated with another cattle trading place (*Pashu Mela*), which is organized on Saturday at short distance from the cattle trading

place of the petitioner.

3. Counsel for the petitioner submits that the said order was passed on 16.02.2023, by the Collector, Nalanda without providing any opportunity of hearing to the petitioner, which is in gross violation of natural justice. Counsel submits that vide Annexure-5, license was issued to the petitioner for running cattle trading place for *Pashu Mela*. Vide Memo no.3976 dated 17.12.2021. It was permitted by the Collector, Nalanda to organize cattle trading on Saturday (Annexure-5). He further submits that vide Annexure-5 land was granted in petitioner's favour but without giving any opportunity of hearing, an order through a letter no.1374 dated 16.02.2023 has been communicated to him. It has been decided that the *Pashu Mela* would function on Sunday instead of Saturday. In the said letter, it has been accepted by the Collector, Nalanda that permission was granted to conduct the *Pashu Mela* on Saturday but no opportunity of hearing was granted to the petitioner at the time of changing the day of *Pashu Mela*.

4. Counsel for the State submits that petitioner may be directed to file a fresh representation before the Collector, Nalanda.

5. In this background, it transpires that the said letter

no.1374 dated 16.02.2023 has been passed by the Collector, Nalanda due to which business of the petitioner was badly hampered, as claimed by the petitioner. It also transpires that this decision of changing the day of *Pashu Mela* has also been taken in gross violation of natural justice. In this view of the matter, petitioner is directed to file a fresh representation, for all his grievances, before the Collector, Nalanda within four weeks from today and Collector, Nalanda is directed to dispose of petitioner's grievances after granting opportunity of hearing to the petitioner and should pass a reasoned and speaking order, within 6 weeks thereafter.

6. Till final disposal of the representation, letter issued vide Memo No.1374 dated 16.02.2023 shall remain stay.

7. With the aforesaid direction, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

Ashishsingh/-

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