

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12960 of 2022

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Janki Enterprises through its Proprietor Sachin Kumar Chaubey, aged about 36 years, Male, son of Late Vinod Chaubey, resident of Village Raghunathpur, P.S. Ramgarhawa, District East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
3. The District Magistrate, East Champaran, Motihari, Bihar.
4. The Deputy Development Commissioner, District East Champaran, Motihari, Bihar.
5. The Block Development Officer, Adapur Block, District East Champaran, Motihari, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan
For the Respondent/s : Mr. Vinay Kirti Singh (GA2)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 26-06-2023

Through the instant petition, the petitioner has prayed
for the following reliefs:



“(i) For quashing of the exparte order dated 10.08.2022 issued by the District Magistrate, East Champaran, Motihari as contained in Memo No. 2759, dated 10.08.2022 (Annexure-2) whereby, on the basis of an exparte inspection report, direction for blacklisting of the petitioner, institution of F.I.R. against the petitioner and institution of Certificate Case for recovery of the balance amount along with interest have been directed; and

(ii) Restraining the Respondents from giving effect to the directions contained in the order bearing Memo No. 2759 dated 10.08.2022 (Annexure-2) issued by the District Magistrate, East Champaran, Motihari during the pendency of the present writ application or without the leave of this Hon'ble Court.”

2. Learned counsel for the petitioner submitted that inspection report as well as impugned order dated 10.08.2022 was behind the back of the petitioner and the same is not disputed by the learned counsel for the Respondent. Therefore, on this short ground, the petitioner has made out a case so as to interfere with the impugned order.

3. Accordingly, the order dated 10.08.2022 (Annexure-2) stands set aside.

4. The writ petition is allowed, reserving liberty to the concerned Respondent / competent authority to initiate fresh



proceedings after giving ample opportunity of hearing to the petitioner and proceed in accordance with law. The above exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

skm/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	27.06.2023
Transmission Date	

