

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18560 of 2022

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Ram Dulari Printing Press Koat Bazar, Sitamarhi, P.S.- Sitamarhi, District Sitamarhi through its proprietor Sidharth Kumar Shyam, aged about 37 years (Male), Son of Chandrashekhar Prasad, Resident of Ward No. 1, Naya Tola, Riga Road, Chakmahila, P.S. and District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the State Election Commission, Bihar, Patna.
2. The District Magistrate-cum-District Election Officer, Madhubani.
3. The Additional Collector, Madhubani.
4. The Deputy Development Commissioner, Madhubani.
5. The Deputy Election Officer, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate
For the Intervener Respondent: Mr. Uday Chandra Prasad, Advocate
For the Respondent/s : Mr. Vijay Kumar Verma, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 14-02-2023

Heard learned counsels for the parties.

2. In the instant petition, petitioner has prayed for following reliefs:-

"(i) For issuance of writ in the appropriate nature for quashing the letter dated 22.4.2022 issued under the signature of the District Magistrate, Madhubani directing the petitioner's firm M/s Ram Dulari Printing Press to deposit the amount of Rs. 21,57,702/- holding that the aforesaid amount has been paid excessive without considering that earlier a report was submitted by the Joint Committee who had



recommended for payment of the same.

(ii) And for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law."

3. From perusal of Annexure-5 dated 23.04.2022, it is evident that petitioner has not been provided ample opportunity of hearing before effecting the communication dated 22.04.2022. Since petitioner's right is affected, hence, Annexure-5 is treated as show cause notice to him asking him to submit his explanation to the author of Annexure-5, District Magistrate, Madhubani within a period of fifteen days from today. On receipt of explanation to the show cause notice dated 22.04.2022, District Magistrate, Madhubani is hereby directed to pass speaking order after due consideration of each of the contentions to be raised by the petitioner.

4. In the meanwhile, we noticed that Mr. Uday Chandra, learned counsel has filed intervenor application stating that at the behest of Prabhash Kumar, impugned Annexure-5 has been ordered. If it is so, District Magistrate, Madhubani is hereby directed to hear Prabhash Kumar before passing final order in the light of Apex Court decision in the case of ***Esteem Properties Pvt. Ltd. Vs. Chetan Kamble & Others*** reported in ***(2022) 11 SCC 661***.



5. Pending Interlocutory Applications are disposed
of.

6. Accordingly, present petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

rakhi/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	17.02.2023
Transmission Date	N.A.

