

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15179 of 2017

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Seema Kuer @ Seema Mishra Wife of Late Rewati Raman Mishra, Resident of Village-Savaj Kundi, P.O.-Kasher, P.S.-Bhagwanpur, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Collector, Kaimur at Bhabua.
3. The Deputy Collector of Land Reforms, Bhabua, District-Kaimur at Bhabua.
4. The Circle Officer, Bhagwanpur, Anchal-Bhagwanpur, District-Kaimur at Bhabua.
5. Girija Devi Wife of Virendra Mishra, Resident of Village-Savaj Kundi, P.S.-Bhagwanpur, P.O.-Kasher, District-Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL JUDGMENT

Date : 12-08-2024

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been preferred for the following relief/s:-

“That this is an application on behalf of the petitioner for issuance a writ order or direction in the nature of certiorari to setting aside the order dated 31-7-2017 as passed by learned court of the Bihar land Tribunal. Patna in B.L.T. Case No. 548 of 2016



as well as for quash the order dated 15-2-2016 as passed by learned court of Additional Collector, Kaimur at Bhabua in Mutation Revision No. 78 of 2013-14 including the order dated 13-9-2013 as passed by learned D.C.L.R., Bhabua in Mutation appeal No. 88 of 2012-13 and for setting aside the order dated 25-1-2013 as passed by Anchaladhikari, Bhagwanpur in mutation case No. 1279 of 2012-13 and order may be pass against the respondents to not disturb in peaceful possession of the petitioner and/or pass other order this Hon'ble court may deem fit and proper under circumstances of the case.”

3. At the outset, learned counsel for the petitioner has confined his relief only to the extent of setting aside the order dated 31-07-2017 passed in B.L.T. Case No. 548 of 2016, by learned Member, Administrative, Bihar Land Tribunal, Patna. It is the contention of the learned counsel for the petitioner that the impugned order has been passed without hearing the petitioner and it was decided on merit without a single line finding, which is unsustainable in the eyes of law.

4. On the other hand, a counter affidavit has been filed on behalf of the respondent Nos. 2 to 4. Learned counsel



for the State specifically draws attention of this Court to paragraph No. 10 of the counter affidavit, wherein it is stated that Title Suit No. 614 of 2013 is brought by the writ petitioner before the competent court for the partition of the impugned land as well as the other ancestral land which is pending till now.

5. From bare perusal of the impugned order dated 31-07-2017, passed in BLT Case No. 548 of 2016 by learned Member Administrative, it is apparent that the petitioner was not present at the time of hearing and it has been stated that there is no illegality in the orders passed by the court below and no cogent reason/s, whatsoever is assigned thereto in confirming the order of the court below. It clearly manifests that no opportunity of hearing to the petitioner was afforded in the proceedings before the Bihar Land Tribunal and as such, the same is required to be passed after hearing the parties concerned. Single line order passed by the learned Member Administrative, BLT, to say the least is unsustainable in the eyes of law as it is violating the principles of natural justice.

6. In view of the above, the order dated 31-07-2017 passed in B.L.T. Case No. 548 of 2016 is set aside. Consequently, the matter is remanded back to the Bihar Land



Tribunal for considering the matter afresh after affording opportunity of hearing to the parties concerned, who will be under legal obligation to pass a reasoned and speaking order in accordance with law.

7. With the aforesaid observation(s)/direction(s), writ petition stands disposed of.

(Rudra Prakash Mishra, J)

Raj Kishore/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21-08-2024
Transmission Date	NA

