

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13420 of 2018

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1. Rajo Singh @ Rajdeo Singh and Ors son of Late Baikunth Singh.
 2. Harihar Singh,
 3. Pankaj Singh
 4. Ranjit Singh
 5. Uday Singh @ Udeh Singh Petitioner No. 2 to 5, son of Late Bishundeo Singh.
 6. Indra Deo Singh son of Late Baikunth Singh,
 7. Basuki Singh son of Arti Singh, All are resident of Village- Motihana, Police Station Sono, District Jamui.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Jamui.
3. The Additional District Magistrate, Jamui.
4. Circle Officer, Sono, District Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha, Adv.
For the Respondent/s : Mr. Raj Kishore Roy -GP18

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 30-10-2024 In the instant petitioner, the petitioners have prayed
for following reliefs:-

*“I. To quash the measurement Case
no.12 of 2018 (M.M. No.54/18) issued by the Circle
Officer, Sono vide order dated 9.5.18.*

*II. To quash the Jamabandi cancellation
Case No. 12 of 2015 order passed by the A.D.M.,
Jamui (Respondent No.3) dated 3.4.2018 who
passed the order against the dead persons.*

III. To further issue appropriate



writ/writs, order/orders, direction/directions to the Respondents in the interest of justice as your Lordships may deem fit and proper.”

2. Learned counsel for the petitioners submits that area 10.17 acres of land in Khata No.260, Khesra No.1237 was in the name of ancestors of the petitioners and the same land in question was settled by Hukumnama and Jamabandi No. 110 was created in the name of ancestor of the petitioners. He further submits that the petitioners have limited grievance with regard to the proceedings before the A.D.M., Jamui where the cancellation of Jamabandi proceeding is going on and the petitioners have not been made party. He further submits that notice has been issued to one Mukesh Singh but the petitioners have not been sent notice, which is evident from the notice annexed as Annexure-6. He further submits that from the letter dated 14.03.2015 of the Circle Officer, Sono as contained in Annexure-2 of the writ petition, it is quite evident that Jamabandi No.110 has been created in the name of ancestor of the petitioners and details of Jamabandi, Khata and area is discussed in the aforesaid letter. Learned counsel further submits that despite being the record holder in Jamabandi No.110, the petitioners have not been sent notice and order has been passed for cancellation of said Jamabandi no. 110 by the



A.D.M. Jamui vide order dated 03.04.2018 (Annexure-4). In this way, the petitioners have been deprived of his right which is against the spirit of law and the order passed by the concerned authority is nothing but nullity.

3. The Hon'ble Supreme Court in catena of judgments has held that principle of natural justice is equally applicable in quasi-judicial function as well as administrative function to arrive at just decision and it is difficult to see as to why it should be applicable only to quasi-judicial inquiry not to administrative inquiry and it has been settled law that it must logically apply to both. The Hon'ble Supreme Court in the case of ***D.K. Yadav vs. J.M.A. Industries Ltd. reported in (1993) 3 SCC 259*** observed at para-12 which reads as under:-

"12. Therefore, fair play in action requires that the procedure adopted must be just, fair and reasonable. The manner of exercise of the power and its impact on the rights of the person affected would be in conformity with the principles of natural justice."

4. The said principle has been recently reiterated by the Hon'ble Supreme Court in the case of ***State Bank of India and Others vs. Rajesh Agarwal and Others*** reported in ***2023 SCC OnLine SC 342*** in which it has been observed as follows:-



“The Principles of natural justice are not mere legal formalities. They constitute substantive obligations that need to be followed by decision-making and adjudicating authorities. The principles of natural justice act as a guarantee against arbitrary action, both in terms of procedure and substance, by judicial, quasi-judicial, and administrative authorities.”

5. Learned counsel for the State submits that it is a matter of record and he cannot rebut the submissions made by the learned counsel for the petitioners.

6. In the light of aforesaid facts and circumstances of the case, the arguments advanced on behalf of both the parties and the legal pronouncement of Hon'ble Supreme Court, as cited above, the present writ petition stands disposed of with liberty to the petitioners to represent their grievance before the appropriate authority as no notice has been served to the petitioners. If petitioners put up their grievance before the appropriate authority within a period of four weeks from the date of receipt of this order, the concerned authority is directed to consider the grievance of the petitioner and pass appropriate order within eight weeks from the date of representation. The concerned authority is also directed not to proceed with any action which disturbs the possession of the petitioners over the



land in question till disposal of the above representation.

(Alok Kumar Pandey, J)

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