

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8379 of 2018

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Jai Narayan Yadav Son of Late Ram Chandra Yadav, Resident of Village-
Jaintipur Dath, P.S. Bahera, District Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Additional Secretary Cum Director, Land Acquisition and Rehabilitation Department, Bihar, Patna
4. The Director, Land Acquisition and Rehabilitation Department, Bihar, Patna.
5. The Under Secretary, The Land Acquisition and Rehabilitation Department, Bihar, Patna.
6. The Special Land Acquisition Officer, Gandak Project. Muzaffarpur.
7. The Special Land Acquisition Officer Cum Conducting Officer, Sone Yojana, Aurangabad.
8. The Land Acquisition Officer, Muzaffarpur.
9. The Land Acquisition Officer, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bhubneshwar Prasad
For the Respondent/s : Mr.Vikash Kumar -Sc11

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 15-07-2024 Heard learned counsel for the petitioner and counsel
for the State.

2. The present writ petition is being filed for quashing of the order bearing Letter No. 162 dated 02.02.2018 issued under the signature of the Principal-Secretary-cum-Appellate Authority Water Resources Department, Bihar, Patna wherby and whereunder he has been pleased to reject the appeal filed by the petitioner and also to quash the office order bearing Letter



No. 1008 dated 30.06.2017 issued under the signature of the Additional Secretary cum Director, Department of Land Acquisition and Rehabilitation whereby and where under he has been pleased to remove from the service of the petitioner in arbitrary manner.

3. Counsel for the petitioner submits that the order passed by the appellate authority is the order without reasoning and suffers from illegality. At the time of passing the order appellate authority has not applied his judicial mind and the said order has been passed without considering the case of the petitioner.

4. Learned counsel for the State submits that in original order, justification has been made but he is unable to justify the order passed by the appellate authority where own finding and reasoning in the light of the decision passed by the original authority has not been assigned.

5. After hearing the parties, it transpires to this Court that the judgment of this Hon'ble Court dated 18.09.2018 passed in C.W.J.C. No. 6918 of 2018 (*Balmiki Sharma Vs. the State of Bihar and Ors.*), this Hon'ble Court has well settled that:

It is well settled principle that reason is a living link between the judgment and the judgment writer. Reference in this connection may be made to the



judgment passed by the Hon'ble Apex Court in the case of Chairman and Managing Director, United Commercial Bank & Ors. Vs. P.C. Kakkar reported in 2003 (4) SCC 364 wherein it has been specifically held that every order passed by the quasi judicial body must disclose reason for passing such an order.

6. In this background, the order contained in Letter No. 162 dated 02.02.2018 is set aside and the matter is remanded back to the appellate authority to pass a fresh reasoned and speaking order after hearing the parties within the period of 90 days from the date of production/receipt of the order.

7. It is made clear that counting of 90 days shall be counted from the date of on which the petitioner will appear before the appellate authority.

(Dr. Anshuman, J)

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