

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10186 of 2024

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Jai Narayan Mahto @ Jay Narayan Mahto @ Ram Bharat Singh Son of Late
Deo Narayan Singh @ Dev Narayan Mahto Resident of Village - Anhari, Post
- Gara, P.S. - Kochas, District - Rohtas. At present Residing at Ward No. 03,
Buxar Road, Jagdev Nagar, (Kochas), P.S. - Kochas, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land
Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate, Kaimur, Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Chaudhary, Advocate
For the Respondent/s : Mr. Government Pleader (16)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 25-07-2024

Heard learned Advocate for the petitioner and the
learned Advocate for the State.

2. The petitioner by invoking the jurisdiction of this
Court under Article 226 of the Constitution of India seeking
quashing of the order dated 07.03.2024 passed in Misc.
(Ceiling) Case No. 47 of 2021 by the learned Collector-cum-
District Magistrate, Kaimur, (Bhabhua), Bihar, whereby and
whereunder the land sold in the *Mauza-Andhari* has been
declared invalid and inducted in the proceeding of Ceiling,
pursuant to the order of the Bihar Land Tribunal; and further
directed the Circle Officer, to take action in the matter.

3. The grievance of the petitioner is confined only to



the extent that despite his specific objections filed in Misc. (Ceiling) Case No. 47 of 2021, vide Annexure-P/2, the same has not been considered while passing the impugned order dated 07.03.2024.

4. Referring to the impugned order, learned Advocate for the petitioner vigorously contended that there is neither any discussion nor the order on the objection of the petitioner and, as such, for this reason alone, the order is required to be set-aside and the matter should be relegated before the learned Collector-cum-District Magistrate, Kaimur, (Bhabhua), Bihar, to pass a fresh order after taking into consideration the objection of the petitioner, who is the affected party and whose lands have admittedly inducted in the ceiling proceeding.

5. At this juncture, learned Advocate for the State submitted that the petitioner has remedy available under the law to assail the order of the District Magistrate. However, he is unable to show from the impugned order that there is any consideration of the objection filed by the petitioner.

6. This Court has also perused the impugned order and finds substance in the submission of the petitioner that the objection of the petitioner has not been considered. Non consideration of the objection undoubtedly makes the order



vulnerable and in the defiance of the principle of natural justice.

In the aforesaid facts and circumstances, left with no option, this Court set-aside the impugned order dated 07.03.2024, passed by the learned Collector-cum-District Magistrate, Kaimur, (Bhabhua), Bihar in Misc. (Celing) Case No. 47 of 2021 and relegated the matter to the learned Collector-cum-District Magistrate, Kaimur, (Bhabhua), Bihar to consider the objection of the petitioner, after giving proper opportunity of hearing to all the stake holders and pass a fresh reasoned and speaking order considering the objection of the petitioner.

7. Needless to observe that the aforesaid exercise must be completed preferably within a period of three months from the date of receipt/production of a copy of this order.

8. The writ petition stands allowed to the extent indicated above.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2024.
Transmission Date	NA

