

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11758 of 2022

Prakash Bind, aged about 55 years, Male, Son of Yamuna Bind, Resident of village- Kakrauri P.S.- Halsi, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Lakhisarai.
2. The Sub-Divisional Officer, Lakhisarai District- Lakhisarai.
3. The Block Supply Officer, Halsi District- Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrwal, Sr. Adv. with Mr. Kumar Rajdeep, Adv. Mr. Manoj Kumar Pandey
For the Respondent/s	:	Mr. Arvind Ujjwal (SC-4).

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

5 19-08-2024 This Court vide order dated 03.11.2021 passed in CWJC No. 134 of 2021 has set aside the order dated 06.07.2020 passed by the Sub-Divisional Officer and remanded the matter back to the said authority for passing orders afresh. However, the authority concerned has passed the impugned order reiterating that the earlier order dated 06.07.2020 passed by the said authority does not need any modification and holds good. Learned counsel for the petitioner has stated that once the order has been set aside by this Hon'ble Court the question of reiterating that the said order which has already been set aside holds good is totally perverse and amounts to contempt of Court. Learned counsel has stated that this Court vide order dated 09.07.2019 passed in CWJC No. 3905 of 2019 under similar circumstances has set aside the order passed by the Sub-Divisional Officer.



2. Learned counsel for the respondents has fairly accepted that the order passed by the authority concerned is wrong in the light of the earlier order passed by this Hon'ble Court in CWJC No. 134 of 2021 dated 03.11.2021.

3. Having regard to the above mentioned facts and circumstances, the impugned order passed by the authority is set aside. The authority is directed to consider and pass orders afresh duly giving an opportunity of hearing to the petitioner. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of receipt of the copy of this order. Any order passed shall be communicated to the party.

4. It is needless to observe that the authority while passing the order shall keep in mind that the earlier order dated 06.07.2020 passed by the authority has already been set aside by this Hon'ble Court and shall pass fresh order giving reasons strictly in accordance with law.

5. With the above directions, the present Writ Petition stands disposed of.

(A. Abhishek Reddy, J)

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