

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12516 of 2023

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Majoddin, Son of Late Sharro, R/o Village-Dhabaili, P.S.-Tedhagachh,
District-Kishanganj, Bihar-855101.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate, District-Kishanganj.
3. The Deputy Collector, District-Kishanganj.
4. The Superintendent of Police, District-Kishanganj.
5. The Circle Officer, Tedhagachh, District-Kishanganj.
6. The S.H.O. Tedhagachh Police Station, District-Kishanganj.
7. Anwar, son of Late Bamaru, R/o Village-Dhabaili, P.S. Tedhagachh, District-Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Jitendra Kumar Giri, Advocate
For the State : Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 06-02-2024

1. Heard learned counsels for the parties.
2. This writ application has been filed for setting aside the order dated 25.04.2022 passed by the learned Deputy Collector, Kishanganj (Respondent No. 3) in Jamabandi Cancellation Case No. 15 of 2022 by which the jamabandi being Jamabandi No. 2241, standing in the name of this petitioner, has been cancelled without issuance of any notice or affording the opportunity of hearing.
3. It is contended on behalf of the petitioner that the



impugned order has been passed without notice to the petitioner or affording any opportunity of hearing.

4. In this case a counter-affidavit has been filed on behalf of the respondent-State. However, the contentions made on behalf of the petitioner have not been disputed.

5. It is settled law that any authority under law, before passing any order prejudicial to a party, must issue notice to the affected parties and only after appearance of the parties and hearing them, the final order must be passed. In the present case, however, from bare perusal of the order impugned dated 25.04.2022 passed by the learned Deputy Collector, Kishanganj (Respondent No. 3) in Jamabandi Cancellation Case No. 15 of 2022 and on going through the averments made by the petitioner, which has not been denied by the State, it is clear that the petitioner was never heard by the learned Deputy Collector, Kishanganj (Respondent No. 3) before passing the impugned order dated 25.04.2022. In the opinion of this court, this kind of order is in complete violation of principles of natural justice and the same cannot be sustained.

6. In view of the foregoing reasons, order dated 25.04.2022 passed by the learned Deputy Collector, Kishanganj (Respondent No. 3) in Jamabandi Cancellation Case No. 15 of



2022 is hereby quashed.

7. Matter is remitted back to the learned Deputy Collector, Kishanganj (Respondent No. 3) and he is directed to hear afresh and dispose of the same, in accordance with law, after giving notice and due opportunity of hearing to the concerned parties by a reasoned and speaking order, preferably within a period of six months from the date of receipt/production of a copy of this order.

8. With the aforesaid observations and directions, this writ application is allowed.

(Prabhat Kumar Singh, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.02.2024
Transmission Date	NA

