

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15256 of 2022

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1. Krishna Kumar Shaw S/o Suraj Kumar Shaw, having business address at Village Katsha, P.O.- Molnapur, Parsa P.S.- Bheldi, District- Saran, Bihar- 841402 at present Resident of 7/1/B Kalitala Lane Bally (m), Bally, Distt. Howrah, Haora West Bengal PIN- 711201.
 2. Janak Dulari Devi, W/o Late Surendra Prasad Singh, resident of Village- Molnapur, P.O.- Sobhepur, P.S. Parsa, District- Saran Bihar, PIN- 841311
- Petitioner/s

Versus

1. The State of Bihar through the Collector, Saran at Chapra, Bihar.
2. The Sub Divisional Officer, Sadar Chapra, District- Saran at Chapra, Bihar.
3. The Circle Officer, Parsa, District, Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioners	:	Ms. Kumari Rashmi, Advocate Mr. Suresh Pd. Singh No. 1, Advocate
For the State	:	Mr. Rishi Raj Sinha, SC-19 Mr. Saurabh Kumar, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 29-01-2024 Heard learned counsels for the parties.

2. This writ application has been filed for setting aside the order contained in Memo No. 399 dated 09.05.2022 (Annexure-5 to this writ application) whereby the prayer for no objection certificate for allowing installation of a retail outlet of Bio Green Fuel Station over the land appertaining to Plot No. 138, Khata No. 25, Thana No. 271, situated at Village- Molnapur, P.S.- Parsa, District- Saran, has been rejected by the Collector, Saran at Chapra (Respondent No. 1).

3. It is submitted by learned counsel appearing on behalf of the petitioners that for installation of fuel station, the



Collector, Saran at Chapra (Respondent No. 1) was requested to issue No Objection Certificate vide Letter of Intent dated 20.04.2021 (Annexure-2 to this writ application). However, the Collector, Saran at Chapra (Respondent No. 1) dismissed the same without disclosing any reason or mentioning the partition suit number which is said to be pending with respect to the land in question. In other words, it is the submission of learned counsel for the petitioners is that the order dated 09.05.2022 has been passed by the Collector, Saran at Chapra (Respondent No. 1) without application of mind. It is a non-speaking order and as such amounts to violation of principles of natural justice.

4. Recording of reason is a principle of natural justice. Every judicial, administrative and quasi-judicial order must contain reasons. In the present case, from bare perusal of the impugned order dated 09.05.2022 passed by the Collector, Saran at Chapra (Respondent No. 1), it is apparent that no reason has been assigned as to why the application filed by the petitioners for issuance of no objection certificate has been rejected. He has not even bothered to mention the partition suit number in his order. Impugned order is cryptic, which discloses no application of mind.

5. In the aforesaid facts and circumstances of the case, the order dated 09.05.2022 contained in Memo No. 399, passed



by the Collector, Saran at Chapra (Respondent No. 1), as contained in Annexure-5 to this writ application, is hereby quashed.

6. The Collector, Saran at Chapra (Respondent No. 1) is directed to pass fresh orders on the petitioners’ claim, in accordance with law, after hearing the parties, by a reasoned and speaking order, preferably within a period of three months from the date of receipt/production of a copy of this order.

7. With the aforesaid observations and directions, this writ application is disposed of.

(Prabhat Kumar Singh, J)

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