

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17088 of 2024

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Ram Chandra Pathak S/o Late Damodar Pathak Resident of Gram- Thada,
Post- Tarapur, PS- Tarapur, Anchal- Tarapur, Dist.- Munger, State- Bihar.
Presently resident of A/86 Housing Colony Kankarbagh, Sampatchak P.S.-
Kankarbagh, Patna-800020.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Additional Chief Secretary, Revenue and Land Reforms Department, New Secretariat, Patna, Bihar.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, New Secretariat, Patna, Bihar.
3. The Divisional Commissioner, Munger, Patna, Bihar.
4. The District Magistrate, Munger.
5. The Additional District Magistrate, Munger.
6. The Circle Officer, Tarapur, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Jha
For the Respondent/s : Mr.Government Pleader (14)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 12-11-2024

In the instant petition, petitioner has prayed for
the following relief(s):-

*That the petitioner prays
for set aside the order dated
20/07/2023(Annexure-3) passed by the
ADM, Munger and give the direction to
the petitioner to place proper evidences
regarding claim on land bearing
Mauza-Manikpur, thana no-98,637,637,
Khesara no-3816,3818, Area-04-11 D,0-
59D, Jamabandi no-481.The Petitioner
further prays for direction to the*



*Learned court of ADM, Munger to pass
the appropriate order within six months.*

2. Learned counsel for the petitioner submits that the order dated 20.07.2023 has been passed by A.D.M., Munger without hearing the petitioner's claim. He further submits that although concerned authority has issued notice to the petitioner, but he has not been given opportunity to produce any written statement or documentary evidence and order has been passed without taking into account the material or the claim of the petitioner. It has been submitted that petitioner has been suffering from prostate cancer and he is regularly under treatment in Rajiv Gandhi Cancer Institute, Delhi from 2022-2023 and due to the said reason he has not availed the opportunity of hearing fixed by the concerned authority.

3. Learned counsel for the State submits that though sufficient opportunity has been given but petitioner has not availed the opportunity and there is no denial of natural justice to the petitioner.

4. From the perusal of record, it transpires that the petitioner has not been given opportunity despite there is a reason given by the petitioner not to avail the proceedings of court and he has specifically submitted that petitioner was suffering from Prostate Cancer for which regular treatment is



required. On account of the said reason, he has not availed the opportunity before the concerned authority. The concerned authority has also not made any specific reason as to why no opportunity has been given to petitioner to produce the written statement or documentary evidence.

5. The Hon'ble Supreme Court in catena of judgments has held that principle of natural justice is equally applicable in quasi-judicial function as well as administrative function to arrive at just decision and it is difficult to see as to why it should be applicable only to quasi-judicial inquiry not to administrative inquiry and it has been settled law that it must logically apply to both. The Hon'ble Supreme Court in the case of ***D.K. Yadav vs. J.M.A. Industries Ltd.*** reported in (1993) 3 SCC 259 observed at para-12 which reads as under:-

"12. Therefore, fair play in action requires that the procedure adopted must be just, fair and reasonable. The manner of exercise of the power and its impact on the rights of the person affected would be in conformity with the principles of natural justice."

6. The said principle has been recently reiterated by the Hon'ble Supreme Court in the case of ***State Bank of India and Others vs. Rajesh Agarwal and Others*** reported in



2023 SCC OnLine SC 342 in which it has been observed as follows:-

“The Principles of natural justice are not mere legal formalities. They constitute substantive obligations that need to be followed by decision-making and adjudicating authorities. The principles of natural justice act as a guarantee against arbitrary action, both in terms of procedure and substance, by judicial, quasi-judicial, and administrative authorities.”

7. In the present case, when action of respondent authorities is decided upon the touchstone of principles of natural justice as observed by the Hon'ble Supreme Court in the cases (cited supra), it is crystal clear that action of respondent authorities is arbitrary as proper opportunity has not been given to the petitioner. When the concerned authorities passed the order without providing the opportunity to the aggrieved person, on that score order passed by the concerned authorities are against the spirit of law violating the principles of natural justice as observed by the Hon'ble Supreme Court in catena of judgments.

8. In the light of the discussions made above, the order dated 20.07.2023 passed by A.D.M., Munger is merely an



empty formality which does not satisfy the spirit of natural justice which is the requirement of the law. Accordingly, the order dated 20.07.2023 passed by A.D.M., Munger is hereby set-aside. The matter is remanded back to A.D.M., Munger to hear the matter afresh. Petitioner is directed to file reply/written statement along with documentary evidence within eight weeks from the date of receipt of this order. The concerned authority is hereby directed to pass appropriate order within six months from the date of his reply as per the law after taking into consideration the written statement and the documentary evidence produced on behalf of the petitioner.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	13.11.2024.
Transmission Date	N/A

