

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15936 of 2023

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Kapildeo Singh Son of Late Baleshwar Singh Resident of Village- Chakia,
P.O- Usri, PS Mehandia, District- Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Arwal
3. The Deputy Collector Land reforms, Arwal
4. The Circle Officer, Kaler, Arwal
5. The Anchal Amin, Arwal
6. The Anchal Amin, Kaler, Arwal.
7. The Anchal Amin, Karpi, Arwal
8. The Anchal Amin, Kurtha, Arwal
9. Jitendra Kumar Sharma, son of Raghubir Sharma, resident of village- Usri
Chakia, Po- Usri, Ps-Mehandia, District- Arwal

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Kr Sinha No.2 , Advocate Mr. Jitendra Kr Singh, Advocate Sripriya Sinha, Advocate
For the Respondent/s	:	Mr. Raj Kishore Roy (Gp 18)
For respondent No. 9	:	Mr. Avinash, Advocate Mr. Kritya Nand Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-01-2024 Heard the learned counsel for the parties.

2. This writ application has been filed for setting
aside the order dated 01.08.2023 passed by the Hon'ble
Chairman of the Bihar Land Tribunal, Patna in BLT Case
No 365 of 2023 whereby and where under the Hon'ble



Chairman, illegally and arbitrarily, without its judicious mind set aside the measurement report of Amins submitted before the learned DCLR, Arwal in Measurement Appeal No. 04 of 2022-23 without any prayer, on the basis of wrong submissions made by the counsel as well as in violation of Principle of natural justice.

3. At the very outset, it is submitted on behalf of the petitioner that the order dated 01.08.2023, passed by the Hon'ble Chairman of the Bihar Land Tribunal, Patna in BLT Case No 365 of 2023 has been passed without issuing notice or hearing the petitioner. On this ground alone, the order is fit to be set aside.

4. Learned counsel for the respondent No. 9 as well as State does not dispute the contention made on behalf of the petitioner.

5 . It is settled law that any authority under law, before passing any order prejudicial to a party, must issue notice to the affected party and will pass the order after hearing the affected party. In the present case, from the perusal of the order dated 01.08.2023, passed by the



Hon'ble Chairman of the Bihar Land Tribunal and on going through the averments made by the petitioner, which have not been denied by the State or private respondents, it is clear that the Hon'ble Chairman of the Bihar Land Tribunal has never heard the petitioner before passing the impugned order dated 01.08.2023, which has been passed by ex-parte without giving any notice to the petitioner; as such, the same is fit to be quashed and set aside.

6. In the opinion of this court, the order impugned is in complete violation of the principles of natural justice, and the same cannot be sustained. For the for-going reasons, the impugned order dated 01.08.2023, passed by the Hon'ble Chairman of the Bihar Land Tribunal in BLT Case No. 365 of 2023 is herein quashed. The matter is remitted back to the BLT to hear the case afresh after issuing notice to the petitioner or private respondents. While deciding the case learned BLT (Bihar Land Tribunal) will consider all the submissions of the parties and passed a reasoned and speaking order in accordance with law.

7. With the aforesaid observation and direction this



writ application stands allowed.

(Prabhat Kumar Singh, J)

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