

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6227 of 2015

1. Subodh Kumar Jha Son of Sri Kamla Kant Jha
- 2.1. Utama Devi@ Utama Kumari Jha, Wife of late Pashupati Nath Jha, Resident of Village- Harpur Osti, P.O. and P.S.-Mahua, District-Vaishali.
- 2.2. Nitu Kumari, Daughter of late Pashupati Nath Jha, Resident of Village- Harpur Osti, P.O. and P.S.-Mahua, District-Vaishali.
- 2.3. Niraj Kumar, Son of late Pashupati Nath Jha, Resident of Village- Harpur Osti, P.O. and P.S.-Mahua, District-Vaishali.
- 2.4. Nilu Kumari, Daughter of late Pashupati Nath Jha, Resident of Village- Harpur Osti, P.O. and P.S.-Mahua, District-Vaishali.
- 2.5. Nibha Kumari, Daughter of late Pashupati Nath Jha, Resident of Village- Harpur Osti, P.O. and P.S.-Mahua, District-Vaishali.
- 2.6. Nishu Kumari, Daughter of late Pashupati Nath Jha, Resident of Village- Harpur Osti, P.O. and P.S.-Mahua, District-Vaishali.
3. Surendra Jha Son of Sri Bishwanath Jha
4. Shankar Jha Son of Sri Triveni Jha
5. Tuntun Jha Son of Sri Srikant Jha All residents of Village - Harpur Osti, P.O. and P.S. - Mahua, District - Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Vaishali at Hajipur.
3. The Additional Collector, Vaishali at Hajipur.
4. The Sub Divisional Officer, Vaishali at Hajipur.
5. The Circle Officer, Mahua Block, At and P.O. and P.S. - Mahua, District - Vaishali.
6. The Block Development Officer, Mahua Block, At and P.O. and P.S. Mahua, District- Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. M.N. Prabhat, Sr. Advocate
	:	Mr. Ved Prakash Srivastva, Advocate
For the Respondent/s	:	Mr. Vivek Prasad, GP-18
For the intervenor-resp.	:	Mr. Rajesh Ranjan, Advocate
	:	Mr. Pandey Sanjay Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

15 07-08-2025

Heard learned Senior Counsel for the petitioners,



learned counsel for the Respondent-State and learned counsel for the proposed intervenor.

2. With the consent of all the parties, this writ application is being disposed of at this stage itself.

3. The petitioners had earlier approached this Court *vide* CWJC No. 19656 of 2013 for similar relief. After hearing the parties, the said writ application was disposed of on 06.01.2014 (Annexure-7) by observing as follows:-

“In view of the aforesaid, this court is satisfied that ends justice shall be sub-served if the petitioners are directed to file application/representation supported by all relevant documents/papers before the respondent Collector, Vaishali ventilating the grievance as raised in the present application. Once such application is filed, the Respondent Collector shall examine/consider the same and take appropriate decision thereon in accordance with law expeditiously. The respondent Collector shall also ensure that during pendency of the representation before him, no pucca structure, if any, of the



petitioners, is demolished and the construction of the road is given final shape until disposal of the representation/application by him in accordance with law.

Mr. Parbat, learned counsel for the petitioners states that legal notice (Annexure-6) be treated as a representation. Let the petitioner file copy of the fresh representation and/or copy of the legal notice before the respondent Collector within three weeks alongwith a copy of this order.”

4. Learned Senior Counsel for the petitioners submits that in terms of the aforesaid order passed by this Court, the petitioners had filed a representation before the Collector, Vaishali on 24.01.2014 which was registered as Miscellaneous Case No. 94/2013-14 by the Collector, Vaishali. Thereafter, the Collector, Vaishali decided the representation by passing the impugned order dated 15.09.2014/01.10.2014 which is at page-69 of the writ application by which the Collector, Vaishali decided the matter against the petitioners affirming the order dated 05.12.2013 (at page-65 of the writ application) passed by SDO, Mahua in Case No. 994 of 2013 (क). Being aggrieved by this order passed by the Collector, Vaishali, the petitioners have



filed the present writ application contending that before passing the order, the Collector, Vaishali did not grant proper opportunity of hearing to the petitioners. Learned Senior Counsel appearing for the petitioners, therefore, contends that the impugned order may be set aside and the matter be remanded back to the Collector, Vaishali for deciding the representation of the petitioners afresh after giving proper opportunity of hearing to the petitioners.

5. To this prayer being made by learned Senior Counsel for the petitioners, learned counsel for the Respondent-State and learned counsel for the proposed intervenor do not have any objection.

6. Considering the limited nature of prayer being made by learned Senior Counsel for the petitioners, the impugned order of the Collector, Vaishali dated 15.09.2014/01.10.2014 passed in Miscellaneous Case No. 94/2013-14 is set aside and the matter is remanded back to the Collector, Vaishali to decide the representation of the petitioners afresh after giving proper opportunity of hearing to the petitioners and also to the proposed intervenors namely, Jagdeo Ram and Baiju Ram. After hearing all the parties, the Collector Vaishali shall pass a reasoned and speaking order within four



months from the date of production of a copy of this order by the petitioners. Until the matter is decided by the Collector, Vaishali *status quo* shall be maintained.

7. With the aforesaid observation and direction, the present writ application is disposed of. All pending Interlocutory Applications, if any shall stand disposed of.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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