

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5384 of 2015

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Chaudhary Yadav son of Late Bachan Yadav, resident of village- Chaumukha,
P.O. and P.S.- Vijayipur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Saran Division, Chapra.
3. The Deputy Collector of Land Reforms, Hathua, Sub Division- Hathua,
District- Gopalganj.
4. The Sub-Divisional Magistrate, Hathua, district- Gopalganj.
5. The Circle Officer, Vijayipur, Block and Circle - Vijayipur, District-
Gopalganj.
6. Sugandhi Devi wife of Harendra Yadav resident of Village- Amawa, P.O.-
Maheshpur, P.S.- Vijayipur, District- Gopalganj.
7. Sheo Kumar Bhagat son of Bibhuti Bhagat
8. Mangru Sah son of Bhukhal Sah
9. Mohan sahani son of Bhukhal Mallah.
10. Ramakant Yadav son of Shiv Lochan Yadav. All of the resident of Village-
Chamukha, P.O. and P.S.- Vijayipur, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nityanand Mishra, Advocate
For the Respondent/s : Mr. GP20- Nadeem Seraj

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 14-07-2025 Heard the parties.

2. The present petition has been preferred for the grant
of following relief(s):

*(a) For issuance of a writ in the nature
of certiorari to quash and set aside the order
dated 12.01.2015 (Annexure-6) passed by the
Learned Divisional Commissioner, Chapra
(respondent no.2) in BLDR Appeal no. 351/2014
(Chaudhary Yadav Vs. Sugandhi Devi and
others) whereby and where under the appeal*



preferred by the petitioner has been dismissed technically on the ground of delay without going through the merit of the case.

(b) For further quash and set aside the order dated 30.05.2013 (Annexure-3) passed by the learned DCLR, Hathua (respondent no.3) in BLDR case no. 153/2012-13 (Sugandhi Devi Vs. Sheokumar Bhagat and others) by which no notice was served to the petitioner and the said order dated 30.5.2013 has been passed Ex-parte in favour of Sugandhi Devi (respondent no. 6) without giving any opportunity to hear him or defend his case properly in accordance with law.

(c) For issuance of a writ in the nature of mandamus directing/commanding the respondent no.2 to condone the delay and hear the appeal bearing BLDR Appeal no. 351/2014 on its own merit, because at the time of passing of the order dated 30.05.2013 (Annexure-3) the learned D.C.L.R., Hathua (respondent no.3) without service of valid notice and also without giving any opportunity to hear the petitioner, passed the said impugned order as Ex-parte,



which amounts to gross violation of principle of Natural justice.

(d) For further directing/commanding the private respondent no. 6 to 10 not to disturb the peaceful possession over the land of the petitioner which is a purchased land.

(e) For any other relief/reliefs for which the petitioner is entitled to in accordance with law.

3. It has been informed by the learned counsel for the petitioner that the sole petitioner is no more and as such, the heirs could not be contacted. However, for the ends of justice, the heirs be granted liberty to approach appropriate authority/court for the redressal of the grievance if he/she/they so want.

4. Granting said liberty, the writ petition stands disposed of. Needless to add, if the heirs approach appropriate authority/court, it shall be taken to its logical conclusion on its own merit.

(Rajiv Roy, J)

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