
(2006) 09 JH CK 0011

In the Jharkhand High Court

Case No : Writ Petition (C) No. 1652 of 2006

Sadan Sharma

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 07-09-2006

Acts Referred:

Citation : (2006) 4 JCR 244

Hon'ble Judges : Permod Kohli, J

Bench : Single Bench

Advocate : Shailesh and L.C.N. Shahdeo, for the Appellant; M. Pd., S.C. (L and C), for the Respondent

Final Decision : Allowed

Judgement

Permod Kohli, J.—Petitioner is aggrieved of the Memo No. 2614 dated 30.12.2005 whereby no objection earlier granted under Memo No. 478 dated 31.3.2005 to the petitioner for establishment of petrol pump over the land comprising of Plot No. 2328, Khata No. 175 of village Saraidhela. Dhanbad has been cancelled.

2. Grievance of the petitioner is that the respondent-authority had granted no objection after verification of the record including the sale-deed in respect to the property in favour of the petitioner. Vide impugned order, it has been mentioned that subsequently land has been found to be Gairabad. Neither from the impugned order nor from the counter filed, it appears that petitioner was afforded opportunity of being heard before passing the impugned order. Admittedly, no objection was granted for establishment of a pump. The impugned order has adversely affected the civil rights of the petitioner. It was obligatory upon the respondents to have afforded the opportunity of being heard before passing the impugned order.

3. In the facts of the case, impugned order is hereby quashed. However, respondents are at liberty to initiate appropriate proceedings in accordance with law and pass appropriate order after observing principles of natural justice, if so

desired.

4. This petition is allowed.