
(2003) 04 PAT CK 0138
In the Patna High Court
Case No : CWJC No. 14440 of 2002

Satyendra Kumar Sharma

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 10-04-2003

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2006) 2 PLJR 108

Hon'ble Judges : R.S. Garg, J

Bench : Single Bench

Final Decision : Allowed

Judgement

R.S. Garg, J.—The petitioner being aggrieved by the order dated 29.11.2002 passed by the Collector, Bhojpur has come to this court, inter alia submitting that the order fixing the value of the property at Rs. 4,32,000/- is arbitrary, contrary to the record and is whimsical and is in violation of the principles of natural justice. He submits that the value of the land in fact was Rs. 19,000/- because the land is agricultural and is situated at a very far of place, but the same has been valued arbitrarily at Rs. 4,32,000/- without even providing the said material to the petitioner which persuaded the Collector to hold that the value of the land is Rs. 4,32,000/-. The counter affidavit says that the order passed by the Collector is justified and that the petitioner should have gone in appeal against the said order.

2. True it is that the order impugned before me could not be impugned in a duly constituted appeal but the bar of alternative remedy is not of universal application. In catena of judgments the Supreme Court has observed that in case an order is patently without jurisdiction or violates the principles of natural justice or is in teeth of provision of law then the High Court can exercise its power under Articles 226 and 227 of the Constitution of India. In the present matter the order appears to have been passed on the material which was made available to the Collector behind the back of the petitioner. In presence of the

petitioner no enquiry was made nor any material was supplied to him to show that on what basis it was to be observed that the value of the land could be Rs. 60,000/- per katha or the total value of the land could be Rs. 4,32,000/-.

3. When the particular material sought to be used against the petitioner is not supplied to him and the said material provided foundation of passing the order then obviously the principles of natural justice are violated to the hilt. The order passed by the Collector is quashed. The matter is remitted back to him with a direction that on appearance of the petitioner with copy of this order he shall supply the total material to the petitioner sought to be used against the interest of the petitioner and he shall also give proper opportunity of hearing to the petitioner to satisfy the judicial conscience of the Collector that the market price of the land would be only Rs. 19,000/- as declared by him. With a copy of this order, the petitioner shall appear before the Collector, Bhojpur on 5th May, 2003. The petition is allowed.