

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2399 of 2012

- =====
1. Dilip Sharma @ Mistri, son of Late Thaga Sharma Alias Mistri
 2. Sachchidanand Sharma Alias Mistri, son of Nathuni Sharma Alias Mistri
 3. Vishnu Sharma Alias Mistri, son of Late Laxmi Sharma Alias Mistri
All resident of Village : Narari Kalar, Post Office : Sundri Karma,
P.S. : Barun, District : Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Aurangabad
3. The D.C.L.R. , Aurangabad
4. The Anchal Adhikari, Barun, District : Aurangabad

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mrs. Asha Verma, Advocate

For the Respondent/s : Mr. Rajnandan Prasad, SC-9

Mr. Pankaj Majorur, AC to SC-9

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 21-01-2016 Heard the parties.

The petitioners are aggrieved by the order dated 20.06.2011 passed in Title (Verification) Case No. 16 of 2009-10 by the respondent Anchal Adhikari, Barun, as contained in Annexure-1 to the writ petition, whereby the aforesaid proceeding has been dropped by a non-speaking and cryptic order.

The learned counsel appearing on behalf of the petitioners submits that the lands in question, detailed in para-7 of the writ petition, belong to the petitioners, but, without starting any land acquisition proceeding and without payment of compensation to them, possession over the lands in question has been taken by the State authorities. In support of their claim that the lands in question belong to them, the petitioners have brought on record several documents with the writ petition including the

order passed by the Additional Collector, Aurangabad, as contained in Annexure-5.

The learned S.C.-9 appearing on behalf of the respondents has contested the matter by referring to the averments made in the counter affidavit filed on behalf of the respondent nos. 2, 3 and 4. However, despite repeated query, he has not been able to satisfy that, while passing the impugned order dated 20.06.2011, the respondent Circle Officer has considered all the points raised on behalf of the petitioners.

After hearing the parties and taking into consideration the materials available on the record, this Court is of the opinion that the matter requires reconsideration and fresh decisions. Evidently, the impugned order dated 20.06.2011 is a non-speaking and cryptic one. The plea raised on behalf of the petitioners vis-à-vis the plea raised on behalf of the State of Bihar and its functionaries have not been taken into consideration and the matter has not been decided by a reasoned and speaking order, rather the matter has been decided by a most cryptic and non-speaking order.

For the reasons recorded above, the impugned order dated 20.06.2011 passed in Title (Verification) Case No. 16 of 2009-10 by the respondent Anchal Adhikari, Barun, as contained in Annexure-1, is hereby set aside and quashed, and the matter is remitted back to the respondent Anchal Adhikari, Barun with a direction to decide the aforesaid case afresh by a reasoned and speaking order, after taking into consideration the materials/documents produced by the petitioners/parties.

In order to expedite the matter, the petitioners are directed to appear before the respondent Anchal Adhikari, Barun

within a period of one month from today with a certified copy of the present order, whereafter the respondent Anchal Adhikari, Barun shall fix a firm date and shall decide the matter afresh, but, before passing any final order, an opportunity of hearing must be given to all concerned including the petitioners and the concerned authorities.

The parties shall be at liberty to raise all the issues of facts and law, which may be available to them, with respect to the lands in question before the Anchal Adhikari, Barun.

The writ petition stands allowed to the extent indicated, but with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

U			
---	--	--	--