

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5887 of 2019

=====

Debesh Kant Singh @ Devesh Kant Singh Son of Late Bhumendra Narain
Singh Resident of Village, P.O. and P.S. Goriyakothi, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the S3cretary, Department of Land Reforms and Revenue, Govt. of Bihar, Patna.
2. The Collector, Siwan.
3. The Deputy Collector Land Reforms, Siwan.
4. The Circle Officer, Goriyakothi, District Siwan.
5. The District Education Officer Siwan.
6. The Headmaster, Narayan High School Goriyakothi, Siwan.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kant
For the Respondent/s : Mr.Raj Kishore Roy (Gp18)

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 18-06-2019 Heard learned counsel for the petitioner and the State.

During the pendency of this application, the Circle Officer, Goriyakothi, Siwan has passed order on 24.04.2019, which has been challenged by way of interlocutory application, bearing I.A. No. 1 of 2019.

From perusal of order dated 24.04.2019, it appears that the Circle Officer without application of mind has passed the aforesaid order. The Circle Officer exercising the statutory jurisdiction under the provisions of Bihar Public Land Encroachment Act is required to apply his judicious mind in the decision making process. The Circle Officer has held out that



the land is a public land. The Circle Officer, Goriyakothi has relied upon the opinion of Government Pleader, Siwan and without application of his independent mind has passed the impugned order, which is not sustainable.

Accordingly, I.A. No. 1 of 2019 is allowed. The order dated 24.04.2019 passed by Circle Officer, Goriyakothi, Siwan is quashed. The matter is remitted back to the Circle Officer, Goriyakothi to take fresh final decision on consideration of objective materials under the provisions of Bihar Public Land Encroachment Act within the statutory period prescribed under the said Act.

With the aforesaid, this writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

uday/-

U			
---	--	--	--

