

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12755 of 2022

1. Lal Babu Prasad S/o Late Yodha Sah, Resident of Village- Bhelwa, P.S.- Chhauradano, District- East Champaran, Motihari.
2. Ram Babu Prasad S/o Late Pannalal Sah, Resident of Village- Bhelwa, P.S.- Chhauradano, District- East Champaran, Motihari.
3. Chhotel Lal Prasad S/o Late Pannalal Sah, Resident of Village- Bhelwa, P.S.- Chhauradano, District- East Champaran, Motihari.
4. Surendra Prasad S/o Late Pannalal Sah, Resident of Village- Bhelwa, P.S.- Chhauradano, District- East Champaran, Motihari.
5. Dinanath Prasad S/o Late Rajendra Prasad, Resident of Village- Bhelwa, P.S.- Chhauradano, District- East Champaran, Motihari.
6. Santosh Prasad S/o Late Rajendra Prasad, Resident of Village- Bhelwa, P.S.- Chhauradano, District- East Champaran, Motihari.
7. Chandan Kumar S/o Late Rajendra Prasad, Resident of Village- Bhelwa, P.S.- Chhauradano, District- East Champaran, Motihari.
8. Rampravesh Prasad S/o Late Gorakh Sah, Resident of Village- Bhelwa, P.S.- Chhauradano, District- East Champaran, Motihari.
9. Gudiya Kumari S/o Late Manohar Pd. , Resident of Village- Bhelwa, P.S.- Chhauradano, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Collector-cum-District Magistrate, East Champaran, Motihari.
3. The Additional Collector, East Champaran, Motihari.
4. The Deputy Collector, Land Reforms, Raxaul, East Champaran, Motihari.
5. The Circle Officer, Chhauradano, District East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (Standing Counsel-25)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-09-2022 The present writ petition has been filed for quashing

the order dated 05.08.2022 passed by the Collector-cum-District

Magistrate, East Champaran at Motihari in Encroachment



Appeal No. 23 of 2022-23.

The learned counsel for the petitioners has submitted that the District Magistrate, East Champaran at Motihari has merely reproduced the order of this Court directing him to dispose off the appeal to be filed by the petitioners and thereafter, has in one line, rejected the appeal of the petitioners without either dealing with the issues raised by the petitioners or narrating the factual aspect of the matter.

The learned counsel for the respondent-State has not been able to defend the said order dated 05.08.2022, on account of the same being unreasoned and cryptic.

I have heard the Ld. Counsel for the parties and perused the materials on record from which this Court finds that the aforesaid order dated 05.08.2022, passed by the Collector-cum-District Magistrate, East Champaran at Motihari is not only cryptic and unreasoned but also depicts the perverse and unintelligible mindset of the Collector-cum-District Magistrate, East Champaran at Motihari who appears to have acted in an autocratic manner, which is deprecated. In such view of the matter, the said order dated 05.08.2022, being contrary to the well settled principles of law and moreover, not furnishing any cogent, clear and succinct reasons, which is an indispensable



component of a decision making process, is liable to be quashed, hence is set aside. Reference in this connection be had to a judgment rendered by the Hon'ble Apex Court in the case of ***ORYX Fisheries Pvt. Ltd. Vs. Union of India, reported in (2010) 13 SCC 427***. As a result of setting aside of the aforesaid order dated 05.08.2022, passed by the Collector-cum-District Magistrate, East Champaran at Motihari, any consequential action of the respondent authorities to remove the alleged encroachment made by the petitioners is also quashed. However, liberty is granted to the Collector-cum-District Magistrate, East Champaran at Motihari to grant an opportunity of hearing to the petitioners in the aforesaid Encroachment Appeal No. 23 of 2022-23 and then pass a fresh order, in accordance with law, furnishing therein appropriate reasons for passing the same.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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