

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.240 of 2022

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Mantu Singh son of Late Kamla Singh resident of Village- Raghopur, Police Station- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Collector-cum- District Magistrate, Patna.
3. The Sub- Divisional Magistrate, Barh, Patna.
4. The Circle Officer, Bakhtiyarpur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Jitendra Prasad Singh
For the Respondent/s	:	Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-11-2022 The present writ petition has been filed seeking quashing of the order dated 17.11.2021, passed by the learned Court of Collector-cum- District Magistrate, Patna, in Encroachment Appeal Case No. 13 of 2019-20, whereby and where under the proceeding of the said appeal has been closed on account of non-appearance of the appellant therein.

The learned counsel for the petitioner submits, by referring to paragraph no. 19 of the present petition, that the petitioner had appeared in the said case on 17.11.2021 and filed his attendance but on account of non-availability of the learned Collector, Patna, the petitioner herein had left the premises of the Collectorate, Patna at 4:00 P.M., however, after few days he



came to know that the proceedings of the aforesaid appeal has stood closed by an order dated 17.11.2021.

The learned counsel for the respondent State submits that if this Court remands the matter back to the leaned Collector-cum- District Magistrate, Patna, the aforesaid appeal would definitely be heard on merits and a reasoned and a speaking order shall be passed thereon, in accordance with law.

Having regards to the facts and circumstances of the case and taking into account the fact that the said order dated 17.11.2021 has the effect of infringing the Constitutional Right of the petitioner under Article 300A of the Constitution of India apart from considering equities and in the interest of justice, I deem it fit and proper to quash the order dated 17.11.2021, passed by the leaned Collector-cum- District Magistrate, Patna, in Encroachment Appeal Case No. 13 of 2019-20, being not rendered on merits, and remand the matter back to the learned Collector-cum-District Magistrate, Patna for deciding the appeal of the petitioner on merits.

It is needless to state that even if the petitioner herein fails to appear before the learned Court of Collector-cum- District Magistrate, Patna, he shall be obliged to decide the appeal of the petitioner on merits by passing a reasoned and a



speaking order, in accordance with law.

The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

Tiwary/Saurav

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