

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1865 of 2023

Janardan Mishra Son of Late Bindhyachal Mishra, Resident of Village-
Pitambarpur, Police Station- Sheosagar, District- Rohtas at present resident of
Mohalla- Fajalganj Police Station- Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department,
Government of Bihar, Patna.
2. The Collector, Rohtas at Sasaram.
3. The Additional Collector cum 1st Appellate Authority (Public Grievance
Redressal), Rohtas, Sasaram.
4. The Deputy Collector, Land Reforms, Rohtas, Sasaram.
5. The Sub Divisional Public Grievance Redressal Officer, Sasaram, Rohtas.
6. The Circle Office, Sheosagar, District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Choubey
For the Respondent/s : Mr.Raj Kishore Roy (Gp 18)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 15-02-2023 In pursuance to the order of this Court
dated 10.2.2023, the Circle Officer, Sheosagar,
Rohtas, is present in the Court and has filed a
counter affidavit, which is taken on record.

The learned counsel for the Respondent-
State has referred to an order dated 18.8.2022,
passed by the Circle Officer, Sheosagar, to submit
that the same has been passed under Section 6(1)



of the Bihar Public Land Encroachment Act, 1956.

However, this Court finds that the same is unreasoned and does not depict any application of mind, hence, cannot be stated to be an order by any stretch of imagination under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, thus, is quashed. However, liberty is granted to the petitioner to file appropriate show cause reply within a period of four weeks from today, which shall be considered by the Circle Officer, Sheosagar and a fresh order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956, in connection with Encroachment Case No. 12 of 2022-23, shall be passed, forthwith.

It is needless to state that in case, no show cause reply is filed by the petitioner within a period of four weeks from today, the Circle Officer, Sheosagar shall be free to pass appropriate final order under Section 6(1) of the Bihar Public Land Encroachment Act, 1956 in connection with Encroachment Case No. 12 of 2022-23 and till passing of the final order, as aforesaid, status quo,



existing as on today qua the house of the petitioner in question, shall be maintained.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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