

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.720 of 2023

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1. Laleshwar Ray S/o Banu Rai @ Badu Ray Resident of Village-Sakhumiya, Nautanwa, P.S. Shikarpur, District-West Champaran.
 2. Ramjee Ray, S/o Banu Rai @ Badu Ray, Resident of Village-Sakhumiya, Nautanwa, P.S. Shikarpur, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Bettiah, West Champaran.
2. The District Magistrate cum Collector, Bettiah, West Champaran.
3. The Sub-Divisional Officer, Narkatiya Ganj, Dist-West Champaran
4. The Circle Officer, Narkatiya Ganj, Dist-West Champaran.
5. Dinesh Rai, S/o-Nand Rai, R/o Village Sakhuniya, P.S.-Shikarpur, Dist-West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha (SC-19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-09-2023 Though the present writ petition has been filed for quashing the encroachment proceedings initiated vide Encroachment Case No. 8 of 2021-222, however, it is submitted that the order sheet of the aforesaid encroachment proceedings would show that the Circle Officer, Narkatiyaganj has not considered the matter in its proper perspective and has passed a cryptic and an unreasoned order depicting non-application of mind, hence, it is submitted that the impugned order dated



09.05.2022, be quashed.

2. The learned counsel for the respondent-State submits that though it is true that a reasoned order has not been passed by the Circle Officer, Narkatiyaganj, nonetheless, since the petitioners had failed to produce sufficient evidence regarding their right, title and interest over the land in question, the Circle Officer, Narkatiyaganj has directed for issuance of notice under Section 6(2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act, 1956'), for removal of the encroachment in question.

3. I have heard the learned counsel for the parties and perused the materials on record, from which it is apparent that neither the order dated 18.04.2022 nor the order dated 09.05.2022, passed by the Circle Officer, Narkatiyaganj in connection with Encroachment Case No. 08 of 2021-22 depicts any application of mind, much less the same being a reasoned order, inasmuch as the same does not furnish any cogent reason whatsoever, for holding the petitioners to be



encroachers, thus the said orders dated 18.04.2022 and 09.05.2022, passed by the Circle Officer, Narkatiyaganj, are quashed and the matter is remanded back to the Circle Officer, Narkatiyaganj for passing a fresh order under Section 6(1) of the Act, 1956, after considering the representation/objection to be filed by the petitioners, which is directed to be filed within a period of four weeks from today.

4. Accordingly, the present writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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