

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.470 of 2023

1. Surendra Thakur Son of Late Manan Thakur, resident of Village- Gaura Dhusaha, P.S.- Manjhi, District- Saran at Chapra.
2. Ramlakhi Thakur, Son of Late Indrasen Thakur, resident of Village- Gaura Dhusaha, P.S.- Manjhi, District- Saran at Chapra.
3. Brahmanand Thakur @ Brhmanand Singh, Son of Late Indrasen Thakur, resident of Village- Gaura Dhusaha, P.S.- Manjhi, District- Saran at Chapra.
4. Vijay Thakur @ Vijay Singh, Son of Late Indrasen Thakur, resident of Village- Gaura Dhusaha, P.S.- Manjhi, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Development, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reform Department, Government of Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The Sub- Divisional Officer, Sadar Chapara, Saran.
5. The Circle Officer, Manjhi, Saran.
6. Vijay Kumar Thakur, Son of Lalan Thakur, Resident of Village- Gaura Dhusahan, P.S.- Manjhi, District- Saran.
7. Hari Shankar Singh, Son of Kuldeep Narayan Singh, Resident of Village- Gaura Dhusahan, P.S.- Manjhi, District- Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the Respondent/s : Mr. Sajid Salim Khan (Sc25)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 08-04-2024 Heard the learned counsel for the parties.

2. I.A. No. 01 of 2024 has been filed for bringing to



the notice of this court that the impugned order has been passed pursuant to the order passed by the Division Bench in C.W.J.C. No. 14556 of 2018.

3. The order of the Division Bench never means that an illegal order can be passed by the authority in hurry. Any proceeding has to be decided in accordance with law.

4. The impugned order dated 24.12.2021 has been passed by the Circle Officer, Manjhi, Saran. From bare reading of the order impugned, it appears that this is no order in the eye of law as the case of the alleged encroachers has not been considered by the Circle Officer.

5. Such a cryptic and non-speaking order without considering the case of the alleged encroachers cannot sustained and, therefore, the order dated 24.12.2021 passed by the Circle Officer, Manjhi, Saran is hereby quashed and consequential order dated 13.12.2022 passed by the District Magistrate, Saran in Encroachment Case No. 01 of 2022 is also hereby quashed.

6. The matter is remitted back to the Circle Officer, Manjhi, Saran to initiate a fresh proceeding and he will pass afresh order in accordance with law after issuing notice to the alleged encroachers and after hearing all the necessary parties.

7. The State may bring it to the notice of Division



Bench about today’s order.

8. Accordingly, this writ application is allowed.

(Sandeep Kumar, J)

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