

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4245 of 2024

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Ranjit Kumar Son of Sri Ramashish Prasad @ Ramashish Singh, Resident of
Mohalla-Kaushik Nagar, Hilsa, P.S.-Hilsa, District-Nalanda.

... .. Petitioner

Versus

1. The State of Bihar
2. The District Magistrate-Cum-Collector, Nalanda at Biharsharif.
3. The Sub-Divisional Magistrate, Hilsa, District- Nalanda.
4. The Deputy Collector of Land Reform, Hilsa, District- Nalanda.
5. The Sub-Divisional Complaint-Redressal Officer, Hilsa, District-Nalanda.
6. The Circle Officer, Hilsa, District-Nalanda.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Advocate
For the Respondent/s : Mr. M. Haque, G.P.- 12.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 21-03-2024 Heard the parties.

2. By the impugned order dated 05.01.2024, the

District Magistrate, Nalanda has dismissed the Encroachment

Case No.06 of 2022 filed by the petitioner.

3. From the impugned order, it appears that the

petitioner had prayed for an adjournment but adjournment was

not granted and the appeal was dismissed on merits by a two

line order that no new evidence has been produced by the

appellant. If the District Magistrate wanted to dismiss the appeal

only on the ground that delay was caused by the petitioner then

he should have considered the case of the appellant on merits



and thereafter disposed of the appeal but, he has not discussed the case of the appellant/petitioner. This kind of cryptic order without discussing the merits of the case is no order in the eye of law.

4. In view of the aforesaid, the impugned order dated 05.01.2024 passed by the District Magistrate, Nalanda, in Encroachment Case No.06 of 2022 is hereby quashed. The matter is remitted back to the District Magistrate, Nalanda for fresh consideration. The petitioner will cooperate in the disposal of the appeal. If the petitioner does not cooperate in the disposal of the appeal then the District Magistrate will pass appropriate order in accordance with law. In case, the petitioner cooperates in the appeal, the merits of the case shall be considered.

5. With the aforesaid observations and directions, this writ petition is allowed.

(Sandeep Kumar, J)

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