

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14045 of 2024

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1. Jiut Rai Son of Late Rambilash Rai Resident of Village- Brindaban, Tola- Siswa Basant, Post Office- Shitalpur, Police Station and Anchal- Kalyanpur, District - East Champaran.
 2. Ravan Rai @ Ravan Yadav, Son of Ramautar Rai Resident of Village- Brindaban, Tola- Siswa Basant, Post Office- Shitalpur, Police Station and Anchal- Kalyanpur, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Land Reforms and Revenue Department, Govt. of Bihar, Patna.
3. The District Magistrate, District- East Champaran at Motihari.
4. The Sub-Divisional Officer, Sub-Division Chakia, District- East Champaran.
5. The Circle Officer, Circle Office- Kalyanpur, District- East Champaran.
6. Rajesh Rai, Son of Prabhu Rai Resident of Village- Brindaban, Tola- Siswa Basant, Post Office- Shitalpur, Police Station and Anchal- Kalyanpur, District - East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar, Advocate
For the Respondent/s	:	Mr.Mujtabaul Haque, GP-12 Mr.Pranoy Kumar, AC to GP-12

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 21-09-2024 1. Though the present writ petition has been filed for quashing the order dated 23.01.2024, passed by the learned Collector-cum-District Magistrate, East Champaran at Motihari in Encroachment Appeal Case No.14 of 2016-17, however, at the outset, the learned counsel for the petitioners submits that the same has not been passed on merits and the Appeal filed by the petitioner has been actually dismissed on the ground that the



petitioners were not appearing in the appeal proceedings, leading to the inference that the petitioners had lost interest in pursuing the said appeal. Thus, it is submitted that the District Magistrate, East Champaran at Motihari be directed to pass fresh order on merits on the appeal of the petitioners.

2. Per contra, the learned counsel for the respondent-State submits that in case the District Magistrate, East Champaran at Motihari is asked to pass orders on merits in the aforesaid appeal, the same would definitely be done within a stipulated time frame, as is fixed by this Court.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, East Champaran at Motihari to pass a reasoned and a speaking order, in accordance with law, on the appeal filed by the petitioners, bearing Encroachment Appeal Case No.14 of 2016-17, within a period of eight weeks from today, without being impeded or prejudiced by the earlier order dated 23.01.2024.

4. It is needless to state that in case the petitioners so desire, they shall appear before the District Magistrate, East Champaran at Motihari on 30th September, 2024 at 4:30 P.M. and advance arguments, if any, on the aforesaid appeal, failing which the District Magistrate, East Champaran at Motihari shall



be free to pass an ex-parte order, in accordance with law, on merits.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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