

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.838 of 2024

In
Civil Writ Jurisdiction Case No.12794 of 2023

=====

Shatrudhan Thakur Son of Late Ravvi Thakur Resident of Village-Bairampur,
Post -Bairampur, Police Station-Biraul, Distirct-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Land Reforms and Revenue Department, Bihar, Patna.
2. The Secretary, Land Reforms and Revenue Department, Bihar, Patna.
3. The Divisional Commissioner, Darbhanga.
4. The Collector-Cum-District Magistrate, Darbhanga.
5. The Additional Collector, Darbhanga.
6. The Sub-Divisional Officer, Biraul, Darbhanga.
7. The Circle Officer, Biraul Anchal, Darbhanga.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha, Adv.
For the Opposite Party/s : Mr.Government Pleader 18

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 24-07-2026 Though the petitioner was required to file appeal before the Ld. Collector-cum-District Magistrate, Darbhanga, as per the order dated 10.10.2023, passed in CWJC No. 12794 of 2023, however I find that no time limit has been prescribed therein, nonetheless the Collector-cum-District Magistrate, Darbhanga, vide order dated 23.01.2024 has observed that the petitioner may get the order of the High Court amended since he has not filed appeal within a period of four weeks of passing of the aforesaid order of this Court dated 10.10.2023 but after



expiry of four weeks, i.e. on 14.11.2023.

2. I find that this Court, vide order 10.10.2023, passed in CWJC No. 12794 of 2023 had not specified any time period for filing the appeal, hence the Collector-cum-District Magistrate, Darbhanga has proceeded on a wrong assumption, thus he is required to adjudicate the appeal filed by the petitioner i.e. Encroachment Appeal Case No. 144 / 2023 on its own merits after hearing the respective parties. Consequently, the order dated 23.01.2024, passed by the Collector-cum-District Magistrate, Darbhanga in Encroachment Appeal Case No. 144 / 2023 stands annulled. The Collector-cum-District Magistrate, Darbhanga is directed to consider the aforesaid Encroachment Appeal Case No. 144 of 2023 on merits and dispose of the same by passing a reasoned and a speaking order within a period of four weeks from today.

3. Accordingly, the present petition stands disposed of.

(Mohit Kumar Shah, J)

Ajay/-

U			
---	--	--	--

