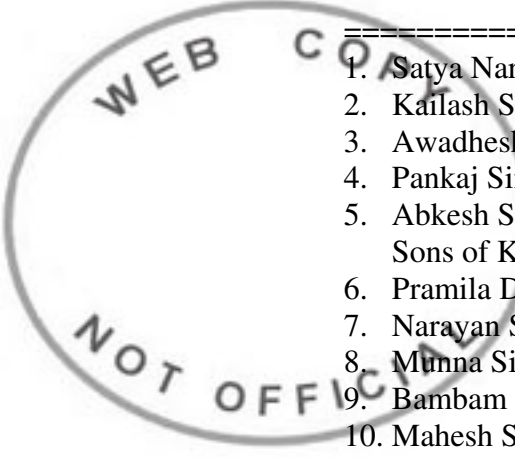
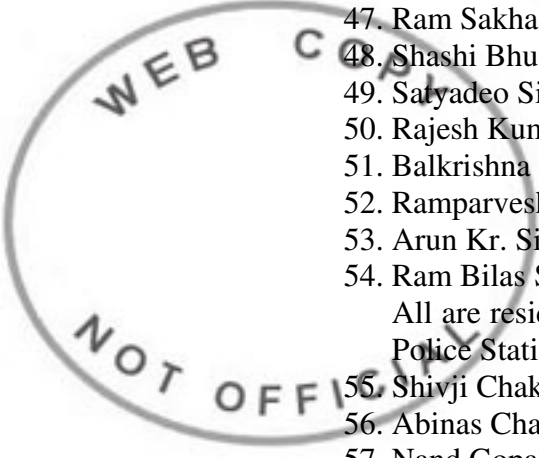


IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1341 of 1996

- 
1. Satya Narayan Singh son of late Mahavir Singh
 2. Kailash Singh son of late Ram Sundar Singh
 3. Awadhesh Singh
 4. Pankaj Singh
 5. Abkesh Singh
Sons of Kailash Singh
 6. Pramila Devi wife of Satya Narayan Singh
 7. Narayan Singh son of Chalitar Singh
 8. Munna Singh Son of late Badri Singh
 9. Bambam Singh Son of late Badri Singh
 10. Mahesh Singh son of late Ramji Singh
 11. Raja Singh son of late Ram Shekhar Singh
 12. Prithvi Choudhary son of late Triveni Choudhary
 13. Gopal Singh, son of Saho Singh
 14. Kamleshwari Pd. Singh, son of Jagdeo Singh
 15. Nago Singh son of Jhari Singh
All are residents of Village-Pawra, Post Office-Pawra, Police Station-Cheria
Bariarpur, District-Begusarai
 16. Ram Udgat Singh son of late Ram Gulam Singh
 17. Radha Singh son of late Ram Gulam Singh
 18. Mahendra Singh son of late Ram Bahadur Singh
 19. Ram Udit Singh son of late Ram Khelawan Singh
 20. Sanjay Singh son of Ram Udit Singh
 21. Satya Narayan Singh, son of late Prameshwari Singh
 22. Mangal Singh son of late Pachbadan Singh
 23. Mukesh Singh son of late Gopal Singh
 24. Ram Bilash Singh son of late Chandrashekhar Singh
 25. Bhola Singh son of late Triveni Singh
 26. Kishundeo Sah son of late Jageshwar Sah
 27. Ajit Singh son of Satyadeo Singh
 28. Asha Devi wife of Shashi Bhushan Singh
 29. Sanjay Kr. Singh son of Damodar Singh
 30. Ram Sagar Singh son of late Man Bharan Singh
 31. Jandin Singh son of late Man Bharan Singh
 32. Rajendra Singh son of late Mahadeo Singh
 33. Ram Prit Singh son of late Deb Narayan Singh
 34. Ram Sagar Singh son of late Deb Naran Singh
 35. Mahendra Singh son of late Deb Narayan Singh
 36. Sunil Kumar Singh son of late Deb Narayan Singh
 37. Anmol Kumar son of Ram Sakha Singh
 38. Rajesh Kumar Singh son of Ram Sakha Singh
All are residents of Village-Bhawanandpur (Pawra Dhab), Post Office-Panapur,
Police Station-Barauni, District-Begusarai
 39. Damodar Singh son of late Mahavir Singh
 40. Ramchandra Singh son of late Khusaru Singh
 41. Ramchandra Singh son of Lakhan Singh
 42. Parmanand Singh son of late Balmiki Singh
 43. Thakur Prasad Singh, son of late Ram Lakhan Singh

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44. Ram Bilas Singh son of late Bishundeo Singh alias Ghutaki Singh
 45. Ram Kumar Singh son of Ram Bandan Singh
 46. Upendra Singh son of late Ram Kripal Singh
 47. Ram Sakha Singh son of late Rameshwar Singh
 48. Shashi Bhushan Singh of late Ram Kishun Singh
 49. Satyadeo Singh son of late Janak Singh
 50. Rajesh Kumar Singh son of Ram Sakha Singh
 51. Balkrishna Singh son of Basudeo Singh
 52. Ramparvesh Dharnidhar Singh
 53. Arun Kr. Singh son of Upendra Singh
 54. Ram Bilas Singh son of late Bishundeo Singh alias Ghutaki Singh
All are residents of Village-Bhawanandpur (Pawra Dhab), Post Office-Panapur,
Police Station-Barauni (Birpur), District-Begusarai
 55. Shivji Chakrabarti son of late Raj Kishore Chakrabarti
 56. Abinas Chakrabarti
 57. Nand Gopal Chakrabarti
 58. Kailash Chakrabarti
 59. Panchanand Chakrabarti
 60. Suresh Chakrabarti
All sons of Satrani Chakrabarti
 61. Kaleshwar Chakrabarti son of Ambika Chakrabarti
 62. Shambhu Chakrabarti
 63. Karu Chakrabarti
Both sons of late Kisto Chakrabarti
All are residents of Village-Bhawanandpur (Pawra Dhab), Post Office-Panapur,
Police Station-Barauni (Birpur), District-Begusarai
 64. Ram Bilas Singh son of late Shiv Narayan Singh
 65. Sharda Devi wife of Chandrika Prasad Singh
 66. Malti Devi wife of late Vishwa Bijay Kumar Singh
 67. Rabindra Kumar Singh son of Bibhisan Singh
 68. Krishna Kumar Singh son of Bindeshwari Singh
 69. Dular Singh son of late Surya Narayan Singh
 70. Sitaram Singh
 71. Uma Shankar Singh
 72. Shambhu Shankar Singh
All are residents of Village-Panapur, Post Office-Panapur, Police Station-Barauni (Birpur), District-Begusarai
 73. Mahendra Yadav son of Ramji Yadav
 74. Madan Yadav son of Ramji Yadav
 75. Kapildeo Singh son of late Prameshwari Singh
 76. Dharnidhar Singh son of late Ram Gulam Singh
 77. Krishnandan Singh son of Dharnidhar Singh
 78. Surendra Singh son of late Balmiki Singh
 79. Basdeo Singh son of late Ram Khelawan Singh
 80. Chandradeo Singh son of late Ram Khelawan Singh
 81. Purandar Singh son of Gita Singh
All are residents of Village-Pawra, Police Station-Cheria Bariarpur, Post Office-Pawra, District-Begusarai
 82. Upendra Singh
 83. Mahendra Singh alias Maheshwar Singh
Both are sons of Tanul Singh, residents of Village-Pawra, Police Station-Cheria Bariarpur, Post Office-Pawra, District-Begusarai

.... Petitioners

Versus

1. The State of Bihar
2. Collector, Begusarai, District-Begusarai
3. Additional Collector, Begusarai, Begusarai, District-Begusarai
4. Sub Divisional Officer, Begusarai, District-Begusarai
5. Sub Divisional Officer, Majhaul, District-Begusarai
6. Deputy Collector, Incharge Land Reforms, Begusarai District-Begusarai
7. Deputy Collector, Incharge Land Reforms, Majhaul District-Begusarai
8. Circle Officer, Barauni Anchal, Police Station-Barauni, District-Begusarai
9. Circle Officer, Cheriya Bariarpur Anchal, Police Station-Cheriya Bariarpur, District-Begusarai

.... Respondents

Appearance :

For the Petitioner/s : Mr. S.S.Dvivedi
Mr. Rakesh Chandra, Adv.
Mr. R.K. Dubey
Mrs. Sangeeta Sharma, Adv.
For the State Respondent/s : Mr. Deepak Kumar, A.C. To G.A. 10

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 09-04-2015

Heard the learned counsel for the parties.

Writ application was filed by the petitioners both in their individual as well as representative capacity since they are all residents of village-Bhawanipur, P.O. Panapur, P.S. Barauni, District Begusarai.

The stand of the petitioners is that the land in question measuring to 588 bighas, 6 katthas and 19 dhurs of land is a land belonging to the petitioners or other persons of the village. Such land has emerged because of the change in the course of the river and there is very old Act, which governs the right and interest of persons whose land lie next to the river. The relevant Act is Bengal Alluvion and

Diluvion Act, 1825 especially Regulation 4 thereto.

The reason why these petitioners rushed to this Court and stay order was granted earlier at the initial stage of admission was because the Additional Collector of the area was trying to distribute this land and settle it in favour of other persons. This raised a serious question not only of the right of these petitioners, over the land in question, but it also violates the provisions, which includes the law as well as the custom. These petitioners were sought to be divested of the property in question.

No point will be served by keeping the issue pending now. The writ application stands disposed of with an observation that the Collector of the District has an obligation to hear the petitioners, examine the law talked about in the earlier part of the order before any kind of exercise is done to divest the petitioners of their claim over the property.

Writ is disposed of with the observation above.

(Ajay Kumar Tripathi, J.)

Vats/-

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