

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1241 of 1999

Brishnath Prasad, son of Late Ramji Prasad, resident of Village- Parsa, P.O. Sirni Bazar, District- East Champaran and presently residing of Barwat Posrain, P.S. Bettiah Muffasil, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, West Champaran, Bettiah.
3. The Additional Collector, West Champaran, Bettiah.
4. The Land Reforms Deputy Collector, Bettiah.
5. The Anchal Adhikari, Bettiah, West Champaran.
6. The Member, Board of Revenue, Old Secretariat, Patna.

.... Respondents

Appearance :

For the Petitioner : Mr. Binod Kumar Singh, Advocate.
For the State : Mr. Ravindra Nath Dubey, A.A.G. 12
For Bettiah Estate : Mr. Binod Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 23-07-2015

Heard learned counsel for the petitioner,
State and the counsel for the Bettiah Estate.

Petitioner claims himself to be the settlee of
1 acre 30 decimals of land from the Collector of the
District. Aforesaid settlement has been cancelled by the
Collector of the District under order dated 12.12.1998
passed in Case No. R.M.- 60/95-96 Annexure-7, which is
impugned in the writ petition on the ground that the said
land belongs to Bettiah Estate over which number of
Government offices, other Government buildings are

situate and could not have been settled with the petitioner as the land being under the control of Court of Wards i.e. Member, Board of Revenue, any settlement of those lands without permission from the Board of Revenue was wholly without jurisdiction.

In view of the findings recorded by the Collector, I am not inclined to entertain the writ petition but while dismissing the writ petition I would grant liberty to the petitioner to seek declaration with regard to the settlement of lands made in his favour that the lands which have been settled to him were the State Land and Bettiah Estate has no connection with the same. Any finding recorded in the impugned order by the Collector of the district shall be subject to the finding recorded by the competent Civil Court. It goes without saying that Civil Court will record its independent finding without being impressed by the findings recorded in the impugned order.

(V.N. Sinha, J)

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