

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.184 of 2014

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Pawan Kumar, son of Sri Basudeo Mahto, resident of Village- Husainabad
Vidyapur, P.S.- Ariyari, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Bihar State Religious Trust Board through its Chairman, Bihar, Patna.
4. The Secretary, Bihar State Religious Trust Board, Bihar, Patna.
5. The District Magistrate, Sheikhpura.
6. The Sub-Divisional Magistrate cum Chairman, Religious Trust Board of Ram Janki Thakurbari, Sheikhpura.
7. The Block Development Officer cum Secretary, Religious Trust Board of Ram Janaki Thakurbari, Sheikhpura Block, Sheikhpura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bajarangi Lal

For the Respondent/s : Mr. Ganpati Trivedi

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 17-04-2015

Heard Mr. Bajrangi Lal, learned counsel appearing on behalf of the petitioner and Mr. Ganpati Trivedi, learned counsel appearing for the Bihar State Religious Trust Board.

Two distinct reliefs have been prayed for in this writ petition, namely, seeking a direction to the respondents for payment of compensation in the light of the policy decision of the State reflected in the notification dated 4.8.2011 placed at Annexure-2 and secondly to direct the authorities of the Bihar State Religious Trust Board as well as the Trust Committee functioning thereunder for fresh settlement with the petitioner in

respect of agricultural lands belonging to Ram Janki Thakurbari Trust situated at and in the district of Sheikhpura.

Whereas Mr. Ganpati Trivedi, learned counsel appearing for the Bihar State Trust Board with reference to paragraph 3 of the policy decision placed at Annexure-2 submits that there was no provision for payment of compensation in the policy decision of the State Government which merely waives out the tax liability from the farmers, in so far as the settlement claimed by the petitioner is concerned, it is submitted that although the petitioner was granted settlement for only two years i.e. for the period 2009-10 and 2010-11 but he did not choose to vacate the property or hand it back to the Trust Committee rather was in its unauthorized occupation which led to initiation of proceedings under section 145 of the Code of Criminal Procedure and which is pending. He submits that on the other hand the petitioner while responding to the settlement notice issued by the Block Development Officer, Sheikhpura dated 30.7.2012 placed at Annexure-10 responded vide letter dated 11.8.2012 placed at Annexure-A to the counter affidavit refusing to take the settlement on grounds that crop season had already been passed. He thus submits that whereas the petitioner has no legal right to claim the settlement even the offer given, having

been rejected by him he has no right to maintain the writ petition.

I have heard learned counsel for the parties and I have perused the records and I am in total agreement with the submission of Mr. Trivedi inasmuch as neither the policy decision of the State reflects payment of any compensation and even the right of settlement claimed by the petitioner is not a vested right. Merely because the petitioner was granted settlement for two years he may claim a consideration and which requirement stands satisfied by the offer of the Block Development Officer vide letter dated 30.7.2012, which offer has been rejected by the petitioner. The petitioner in such circumstances cannot complain of any arbitrary action of the respondents to maintain this writ petition..

For the reasons aforementioned the writ petition being devoid of merit is dismissed accordingly. This dismissal however would not deny the right of participation of the petitioner against future settlements.

(Jyoti Saran, J)

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