

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3430 of 2015

=====

Chitranjan Das son of late Hira Lal Das, resident of village Dilarpur, Police Station-
manihari, District-Katihar.

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, Katihar.
3. The Deputy Collector Land Reform, Katihar.
4. The Anchal Adhikari at Manihari, District Katihar
5. Sanjay Yadav son of Janardan Yadav, resident of village Kari Koshi Bandh,
Police Station Manihari District Katihar.
6. Nirmal Yadav son of Janardan Yadav, resident of village Kari Koshi Bandh,
Police Station Manihari District Katihar.
7. Vikash Yadav son of late Darogi Yadav, resident of village Kari Koshi Bandh,
Police Station Manihari District Katihar.
8. Ganesh Yadav son of Nathan Yadav, resident of village Kari Koshi Bandh,
Police Station Manihari District Katihar.
9. Pradeep Yadav son of Bishwanath Yadav, resident of village Kari Koshi Bandh,
Police Station Manihari District Katihar.
10. Vipit Yadav son of Bishwanath Yadav, resident of village Kari Koshi Bandh,
Police Station Manihari District Katihar.
11. Ajit Yadav son of Bishwanath Yadav, resident of village Kari Koshi Bandh,
Police Station Manihari District Katihar.
12. Rajesh Yadav son of Ram Narayan Yadav, resident of village Kari Koshi
Bandh, Police Station Manihari District Katihar.
13. Dilip Yadav son of Ram Narayan Yadav, resident of village Kari Koshi Bandh,
Police Station Manihari District Katihar.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Shankar Kr. Thakur, Advocate
For the State : Mr. Rajesh Ranjan, AC to GA8

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 17-03-2015

Heard learned counsel for the petitioner and the
respondents.

This writ application has been filed, *inter alia*, for
following reliefs:

“a. For setting aside the order dated 17.10.2011 passed by the Collector, Katihar, in settlement record no. 589 of 201-12 by which the learned Collector, Katihar rejected the application dated 12.12.2009 of the petitioner.

b. For setting aside the illegal homestead Purga issued in favour of the Opposite Party No. 5 to 13 by the Anchal Adhikari, Manihari.

c. For issuance of a direction may be issued to the Opposite Party to vacate the lands in question with the help of police force and the cost incurred in getting the lands vacated will be realized from them.

d. For any other relief or reliefs as deemed fit and proper in the interest of Justice. "

It appears that the petitioner had approached this Court on earlier occasion also by filing C.W.J.C. No. 7623/2010 impleading the private respondents also as respondent nos. 5 to 13.

In the aforesaid writ application the contention was that the settlement of 0.78 acre of land of plot no.961 appertaining to khata no. 365 of village Dilarpur, P.S. Manihari in the district of Katihar was with the private respondents without annulling the settlement which was already made in his favour. This Court vide its order dated 7.5.2010 contained in Annexure 7 directed the Collector to look into the representation of the petitioner filed on 29.3.2010 and pass appropriate order in accordance with law as early as possible. In

response to aforesaid order the Collector, Katihar has passed the order dated 17.10.2011 which is under challenge in this writ application.

It appears from the aforesaid order that it is not a final one rather he has directed the Circle Officer to demarcate the entire plot no. 961 and also demarcate the 5 acres land which has been acquired for rehabilitation as well as 0.78 acre of land belonging to the petitioner. He has been directed to submit a report in that regard and also on the issue of possessions the lands by the respective party.

Therefore, the writ application filed by the petitioner, in my considered opinion, is pre-mature as he has not waited for the final order to be passed by the Collector. Now he is saying that part of his land has been encroached by the private respondents whereas in the earlier writ application, as it appears from the order of this Court, his contention was that without annulling the settlement made in his favour the lands are being settled with the private respondents. The Collector has observed that both the lands, i.e., the lands of the petitioner and those being settled to others, cannot over-lap each other as both the settlements are for the different parts of the land concerned. However, for the better appreciation, he has directed the Circle Officer to get the land demarcated and submit a

report regarding the possession of the respective parties. Thus, since the final decision has not been taken by the Collector, the petitioner would free to raise any objection before the Collector who has to pass an order in compliance of the earlier order passed by this Court contained in Annexure 7. If such objection is raised by the petitioner, then let the same be also decided by the Collector in accordance with law.

Accordingly, this writ application stands disposed of.

(Dr. Ravi Ranjan, J)

Spd/-

U			
---	--	--	--