

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8294 of 1993

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Deorishi Ram, Son of Ramjit Ram, resident of Village-Garura, P.S.-Sheosagar,
District-Rohtas.

.... **Petitioner/s**

Versus

1. The State of Bihar.
2. The Collector, Rohtas.
3. The Additional Collector, Rohtas.
4. The Deputy Collector Land Reforms, Rohtas.
5. The Sub-Divisional Officer, Rohtas.
6. The Anchal Adhikari, Sheosagar, Rohtas.
7. Sarju Prasad, Son of Chhabinath Choudhary, resident of Village-Garura, P.S.-
Sheosagar, District-Rohtas.

.... **Respondent/s**

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Appearance :

For the Petitioner/s : Mr. Syed Alamdar Hussain, Advocate
Mrs. Minu Kumari, Advocate

For the Respondents-State : Mr. Praveen Kumar, Adv. (AC to GP-27)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 18-05-2015

The petitioner seeks quashing of the order dated
30.09.1992 passed by the Collector, Rohtas in Settlement
Appeal Case No. 12/1984, whereby, he has cancelled the
settlement of land made in favour of the petitioner,

appertaining to Khata No. 146 and Keshra No. 582, situated in village-Garura, which was recorded in the name of "Anabad Bihar Sarkar".

2. Before I come to the merits of the case, I find that the present writ application is not supported by the affidavit of the petitioner rather it has been affidavited by the father of the petitioner, namely, Ramjit Ram.

3. From the pleadings made in the writ application, it appears that the petitioner had preferred an application before the Circle Officer, Sheosagar for settlement of 0.31 acres of land of the said plot in his name, on the ground that he was landless and belonged to scheduled caste. On the said application, the Circle Officer, Sheosagar had recommended for settlement of half of the said land (0.15 acres of land). In Paragraph No. 8 of the writ application, it is stated that the Deputy Collector Land Reforms recommended that 15 decimals of land may be settled with the petitioner and sent the case records to the Sub-Divisional Officer for his approval and after such approval by Sub-Divisional Officer vide order dated 31.08.1982, the land was settled with the petitioner. It is the petitioner's

case that he came in possession over the land after settlement.

4. A title suit was filed, bearing No. 78/1985, in the Court of 1st Munsif, Sasaram with regard to settlement in favour of the petitioner which was, however, dismissed in default vide order dated 05.06.1986. Subsequently, by an order dated 03.07.1992, the Consolidation Officer, Sheosagar appears to have ordered that the name of Bihar Sarkar be deleted from the records and the name of the petitioner be recorded in the land records. The land records were accordingly corrected and Khatian was prepared in the name of the petitioner.

5. Against the said settlement, the respondent no. 7 had preferred an appeal before the Collector, Rohtas giving rise to Appeal No. 103/1982-83. The Collector, Rohtas vide order dated 30.09.1992, allowed the said appeal and cancelled the settlement made in favour of the petitioner.

6. Learned counsel appearing on behalf of the petitioner, assailing the said order dated 30.09.1992 under challenge, has submitted that the order of the Collector,



Rohtas, is based on a report of the Additional Collector, Rohtas, on spot verification. She has contended, referring to Paragraph - 16 of the writ application, that the said spot verification was done by the Additional Collector behind the petitioner's back and the Collector ought not to have relied upon such report, prepared on the basis of an inspection, held behind the back of the petitioner. She has also contended that the Collector came to a conclusion that the petitioner was not a landless person on the basis that the petitioner's father held some land. Referring to the statement made in Paragraph - 17 of the writ application, she submits that the petitioner has separated from his father and at the time of settlement in the year 1982, the petitioner was a landless person. She has also submitted that there was nothing on the record to show that the petitioner's father held any land.

7. From the order impugned passed by the Collector, Rohtas, I find that the father of the petitioner, namely, Ramjit Ram, was a peon of the then Deputy Collector Land Reforms. Allegedly, the petitioner's father had managed to get various lands settled in his favour with the help of



the said Deputy Collector Land Reforms. The Collector, Rohtas in his impugned order dated 30.09.1992, has recorded that the petitioner was not a landless person, on the basis of the report called from the Additional Collector, Rohtas. In the said report, the Additional Collector, Rohtas is said to have mentioned that the petitioner was a teacher in High School. The Additional Collector, Rohtas is also said to have mentioned in his report that the petitioner was not in possession over the land in question and the land was not suitable for settlement. It was also pointed out that the Land Reforms Committee of Sheosagar Anchal had not recommended for settlement.

8. The Collector, Rohtas, while passing the impugned order dated 30.09.1992, was of the opinion that the father of the petitioner, being attached with the then Deputy Collector Land Reforms by exercising his influence got the settlement done in favour of his son. He also found that even, otherwise, the petitioner came from a well-to-do family and, therefore, settlement in his favour was improper.

9. I do not find any substance in the submission

made on behalf of the petitioner that he was living separately from his father after partition between him and his father, as there is nothing on the record to show such partition. Subsequently, I also find that the present writ application has been affidavited by the father of the petitioner, who is apparently pursuing this case on behalf of the petitioner.

10. Under the facts and circumstances as noted above, I do not find any merit in this application. This application is, accordingly, dismissed.

11. There shall be no order as to costs.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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