

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14332 of 2015

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1. Maheshwar Prasad Singh, S/o Late Shivnarayan Singh, resident of village - Raipatti, P.O. + P.S. - Dighwara, District - Saran at Chapra.
 2. Most. Rita Singh, W/o Late Akhileshwar Prasad Singh, Resident of Village - Raipatti, P.O. + P.S. - Dighwara, District - Saran at Chapra.

.... Petitioners

Versus

1. The State of Bihar through the District Magistrate, Saran at Chapra.
2. The Collector, Saran at Chapra.
3. The Zila Parishad, Chapra, Saran through its Chairman.
4. The Deputy Development Commissioner - cum - Chief Executive Officer, Zila Parishad, Saran at Chapra.
5. The Chief Executive Officer, Zila Parishad, Saran at Chapra.
6. The District Engineer, Zila Parishad, Saran at Chapra.
7. The Officer - in - Charge Dighwara Police Station, Dighwara.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. A.B. Ojha, Senior Advocate
Mr. Nitesh Kumar, Advocate
For the State : Mr. J.P. Karn, AAG-4
Mr. A.K. Dubey, AC to AAG-4
For Respondent no. 3 to 6 : Mr. Nikesh Kumar, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 07-10-2015

Heard the parties.

The petitioners claim that they were settlees from the Zila Parishad, Saran at Chapra and were allotted *Gumti* Nos. 201 and 202 which have been removed under the orders of this Court dated 20.09.2012 as contained in Annexure-1 and further direction was to accommodate the petitioners and liberty was also granted to accommodate 209 encroachers or others in accordance with law.

It is claimed by the petitioners that their *Gumtis* have also

been removed for the proposed construction of market complex and, thus, they should also be treated in similar manner to which the petitioners of CWJC No.307/2012 have been treated.

Though such settlement order has not been produced in support of their claim that they have been allotted Gumti Nos. 201 and 202, however, xerox copy of two rent receipts dated 3.07.2005 have been appended as Annexure- 9 and 10 by the petitioners.

In above view of the matter, this writ application is being disposed of with a direction to the respondent no.4 to examine the matter of the petitioners and if he comes to the conclusion that the petitioners were not allotted the aforesaid *Gumtis* and they were paying rent and their *Gumti*, thereafter, have been removed for construction of a market complex then they would be required to be treated in similar manner to the other identically situated persons.

However, if it is found that they were not settlees then he would be required to pass a reasoned order and communicate the same to the petitioners.

Aforesaid exercise should be completed within a period of eight weeks from the date of filing of representation alongwith a copy of this order.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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