

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9684 of 1996

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1. Bhagya Narayan Jha
2. Rup Narayan Jha
3. Tej Narayan Jha
All sons of late Harish Chandra Jha, residents of Village- Manjhaulia, P.S.-
Ashok Paper Mill, District- Darbhanga.

.... Petitioners.

Versus

1. The State of Bihar
2. The Collector, Darbhanga.
3. Sub-Divisional Officer, Sadar, Darbhanga.
4. Circle Officer, Hayaghat, District- Darbhanga.
5. (a) Azmun Nisha, wife of Md. Haitur Rahman
5. (b) Md. Khursid Alam, Son of Md. Haitur Rahman
5. © Jamshed Ali, Son of Md. Haitur Rahman
5. (d) Md. Ali, Son of Md. Haitur Rahman
5. (e) Ahmad Ali, Son of Md. Haitur Rahman
5. (f) Ashghar Ali, Son of Md. Haitur Rahman
5. (g) Md. Ashlam Ali, Son of Md. Haitur Rahman
5. (h) Sahida Khatoon, daughter of Md. Haitur Rahman
5. (i) Sanaza Khatoon, daughter of Md. Haitur Rahman
5. (j) Shabnam Khatoon, daughter of Md. Haitur Rahman
5. (k) Sahina Khatoon, daughter of Md. Haitur Rahman
All residents of Village- Manjhaulia, P.S.- Ashok Paper Mill, District-
Darbhanga.
6. Md. Ayub, son of Md. Yusuf
7. Md. Yunus, son of Md. Yusuf
Both residents of Village- Manjhaulia, P.S.- Ashok Paper Mill, District-
Darbhanga

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shrinandan Pd. Singh, Advocate
: Mr. Manoj Kumar-I, Advocate
For the Respondent/s : Mrs. Nivedita Nirvikar, GA-10
Mr. Manoj Kumar, AC to GA-10
For respondent nos.5 to 7: Mr. Rajib Ranjan Jha, Advocate
Mr. Girish Chandra Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 07-05-2015

Heard learned counsel for the petitioners, State and private
respondents.



2. The petitioners pray for quashing the order dated 27.03.1971 and 26.04.1993, passed by the S.D.O. (respondent no.3) contained in Annexure-5 and order dated 03.09.1996, passed by the Collector (respondent no.2) contained in Annexure-7, whereby the authorities refused to interfere with the settlement of the land made in favour of private respondent nos. 5 to 7.

3. The disputed land pertains to Khata no. 223, Khesra No. 585, area 7 Kathas in village Manjhaulia, P.S. Ashok Paper Mill, District-Darbhanga.

4. The petitioners' case is that the said land was purchased by their father, Harish Chandra Jha, through registered sale deed on 29.03.1927. In 1936, their father settled the land by Rasidi Bandobast in favour of his wife (mother of the petitioners) Lal Dai and since then their family is cultivating the land in question. It is further case of the petitioners is that on vesting, the return was submitted in favour of their mother Lal Dai and they have been continuously paying rent and are in possession of the land.

5. The petitioners submit that the respondents filed a case under Section 145 of Cr.P.C., which they had run up to the District & Sessions Judge vide Cr. Revision No.31 of 1992. The petitioners submit that the Circle Officer in his report dated 29.01.1973 has reported the physical possession of the petitioners on the land.



6. The grievance of the petitioners is that their land has been settled by order dated 27.03.1971 in Settlement Case No. 123 of 1970-71 by the Sub-Divisional Officer, Sadar, Darbhanga in favour of private respondent nos. 5 to 7. The petitioners submit that no notice was issued to them, although they were the raiyats and their names figured in register-II.

7. Counsel for petitioners submits that the Additional Collector has not disputed the settlement of the petitioners. However, he has opined that it is not evident that the land settled in their favour is the land, which has been settled to respondent nos. 5 to 7.

8. Counsel for respondent nos. 5 to 7 asserts that the land settled in favour of the petitioners belongs to Tauzi no.5238, whereas the land settled in their favour is Tauzi 5241. He next submits that both the parties are in possession of their respective land.

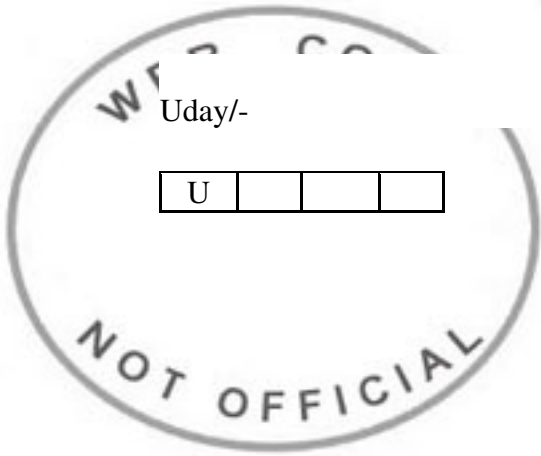
9. Without expressing any merit on the issue, the matter is remitted to the Additional Collector, Darbhanga to identify the land, which was settled in favour of the petitioners and then rehear the parties afresh on the merit of the issue.

10. With the aforesaid direction, the order passed by the Collector, Darbhanga is set aside.

11. Till final adjudication, status quo as on the day would continue.

12. This application stands disposed of.

(Samarendra Pratap Singh, J.)



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