

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16978 of 2008

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Rama Shankar Prasad, son of late Raghunath Sah (kanu), resident of
At&P.O.-Areraj, P.S.-Govindganj, Anchal Areraj, District-East Champaran.
.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, East Champaran at Motihari.
3. The Additional Collector, East Champaran at Motihari
4. The Land Reforms Deputy Collector, Areraj, At&P.O.-Areraj, District-East Champaran.
5. Anchal Adhikari, Areraj, At&P.O.-Areraj, District-East Champaran.
6. Smt.Madhu Devi, wife of Rajendra Prasad, resident of At&P.O.-Areraj, P.S.-Govindganj, Anchal-Areraj, District-East Champaran.
7. Madan Prasad, son of late Banka Prasad, resident of At&P.O.-Areraj, P.S.-Govindganj, Anchal-Areraj, District-East Champaran.
8. Member, Board of Revenue in-charge, Bettiah Raj Properties.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uma Kant Shukla
Mr. Shakti Suman Kumar
For the Respondent nos.1to5: Mr. Anil Kumar Upadhayaya, SC-20
For the Respondent no.6 : Mr.Dhurendra Kumar
For the Respondent no.8 : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

8 10-08-2015

Heard the parties.

The matter at issue is the claim of the writ petitioner over a piece of land bearing R.S.Plot No.2013 appertaining to Khata No.2 area 6 dhurs situate at village Areraj in the district of East Champaran.

By the impugned original order dated 24.04.1998 (Annexure-7) passed in Rent Fixation Case No.2 of 1997-98 by the respondent D.C.L.R., Areraj, the prayer of the petitioner for fixation of rent regarding land in question has been rejected in view of the findings recorded therein that order. The appeal preferred by the petitioner before the respondent Additional Collector, East Champaran, Motihari has been dismissed by the

impugned appellate order dated 16.08.2008 (Annexure-9).

According to the learned counsel for the petitioner, the land in question was settled by the ex-landlord in favour of the father of the petitioner prior to vesting of Zamindari by the document as contained in Annexure-1.

According to the learned counsel appearing on behalf of the private respondent no.6, the land in question was settled by the ex-landlord in favour of some other person, from whom she claims to have purchased the land in question.

Indisputably, the land in question was originally belonging to Bettiah Estate. At the time of vesting of Zamindari the ex-landlord filed his return, but in the said return it was not shown to have been settled either in favour of the father of the petitioner or any other person. Hence, it vested in the State of Bihar.

The entire claim raised on behalf of the petitioner regarding the land in question is based on disputed questions of facts. Though, the learned counsel appearing on behalf of the petitioner has argued the matter at some length, but he has not been able to show any legal right of the petitioner with respect to the land in question. He has also not been able to show violation of any statutory provision while passing the impugned original order as well as the appellate order.

Apparently, there is a claim and counter claim regarding settlement of land in question from both the sides and the entire claim of the petitioner is based on disputed questions of facts. Hence, this Court does not find any good ground to interfere with the impugned orders as contained in Annexure-7 and 9.

The writ petition seems to be completely

misconceived and is, accordingly, dismissed.



(Birendra Prasad Verma, J)