

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9120 of 2014

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Rit Lal Paswan son of Late Dhanpat Paswan resident of Ranipur, P.O. and
P.S. Phulwari Sharif, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Revenue and Land Reforms, Government of Bihar, Patna
2. The District Collector, Patna
3. The Deputy Collector, Land Reforms, Patna
4. The Circle Officer, Phulwarisharif, Patna
5. The Nagar Parishad, Phulwarisharif, Patna through its Executive Officer
6. The Executive Officer, Nagar Parishad, Phulwarisharif, Patna

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Sanjay Kumar

For the Respondent/s : Mr. Avinash Kumar, SC-30

For the Nagar Parishad : Mr. Anil Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 13-10-2015 Heard Mr. Y.V. Giri, learned senior counsel for the

petitioner, learned counsel for the State and Mr. R.K. Jha for the

intervener in I.A. No. 6237 of 2015.

The petitioner is aggrieved by the decision of the Nagar Parishad dated 22.2.2014 whereby a decision was taken vide Agenda No. 3 to settle the pond through open auction.

The petitioner stakes his claim on the pond on the basis of a settlement stated to have been made as back as in 1925 and thereafter in 1932 with the ancestors of the petitioner. According to the petitioner a Hukumnama was executed in respect of the



pond in question and whereafter rent receipts have been issued and even Jamabandi has been created. Thus on the strength of these documents that the petitioner claims the right over the pond in question.

Learned counsel for the State has produced Register-2 to demonstrate that Plot No. 388 of Khata No. 1692 over which the pond in question is situated is a *gair mazarua aam* land and thus the documents so relied upon by the petitioner to claim title over the pond are forged documents not supported with statutory instrument. It is further a stand of the State that the Jamabandi number so claimed by the petitioner bearing No. 504 in fact belongs to another person.

Pursuant to the order of this Court the Fisheries Department have also appeared and filed an affidavit. Vide Annexure-8 it is the stand of the Fisheries Department that the property is of the Fisheries Department and that they shall be carrying out the settlement themselves.

Mr. Jha has appeared for the settlee of the pond through interlocutory application bearing I.A. No. 6237 of 2015.

Having heard learned counsel for the parties and considering that the entire issue so raised by the petitioner rests on documents which are being disputed as also considering the

Register-II so produced by the State to reflect the nature of the land, in my opinion, the remedy for the petitioner to claim right, title and ownership over the pond in question would lie before the court of competent civil jurisdiction and if so advised he can take recourse to the same.

The writ petition and the interlocutory application are disposed of accordingly.

(Jyoti Saran, J)

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