

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.14449 of 2014**

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Ashok Kumar, S/o Sri Shyamnandan Rai, R/o Village- Rampur Shyam Chand,  
P.S.- Raghapur, District -Vaishali.

.... .... Petitioner

Versus

1. The State of Bihar.
2. The Divisional Commission, Patna Division.
3. The Collector-cum-District Magistrate, Kaimur, Bhabua.
4. The Addl. Collector, Bhabua.
5. The Sub Divisional Magistrate, Bhabua.
6. The Circle Officer, Anchal Chand, District Kaimur at Bhabua.

.... .... Respondents

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**Appearance :**

For the Petitioner : None

For the Respondents No. 3 to 6- : Mr. Alok Ranjan, AC to GA-13

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**And**

**HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL JUDGMENT

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 06-04-2015**

This writ petition is filed as a Public Interest Litigation, with a prayer to settle the land in Khata No. 20, Khesra No. 36 of Mouza Baghi, Kaimur District, measuring 1 acre and 26 decimals. The petitioner submits that the land, referred to above, belongs to the Government and since a

public road passes through the land, settlement of the same would cause obstruction in use thereof.

The respondents filed a detailed counter affidavit. It is admitted that the land measuring 1 acre and 26 decimals belongs to the Government and that a road passes through it. It is, however, stated that an extent of 44 decimals was settled in the year 2013 itself in favour of 22 Maha Dalits of the village and no obstruction is caused to the users. However, the various steps taken before the settlement took place have been stayed.

Heard learned counsel for the petitioner and learned counsel for the respondents.

The petitioner wanted that the land in its entirety is not settled or allotted to any one. The fact, however, remains that in the year 2013 itself, an extent of 44 decimals was settled in favour of the needy persons belonging to Maha Dalit community. The respondents have categorically stated that the public road passing through the land is not at all affected.

Once the settlement is already done, we cannot cancel the same. Therefore, we dispose of the writ petition directing that the respondents shall ensure that the public way which is running through the land in Khata No. 20,

Khesra No. 36 of Mouza Baghi, Kaimur District, measuring 1 acre and 26 decimals, is not obstructed either by the persons in whose favour the settlement is made, or by others.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

**(L. Narasimha Reddy,CJ)**

**(Ashwani Kumar Singh, J)**

Sanjeet/k.c.jha-  
N.A.F.R.

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