

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16072 of 2008

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Sankat Mochan Pal, son of Shri Bechan Pal, resident of village-Baradhi,
P.O.-Pajraon, P.S.-Nuaon, District-Kaimur at Bhabhua.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Kaimur at Bhabhua
3. The Sub-Divisional Officer, Mohania, District-Kaimur.
4. The L.R.D.C. Mohania, District-Kaimur.
5. The Circle Officer, Nuaon, District-Kaimur.
6. Birbal Ram, son of Moti Ram.
7. Jang Bahadur Ram, son of late Sumer Ram
8. Ekadashi Ram, son of Ramjee Ram.
9. Shriniwas Ram, son of late Hardeo Ram
10. Bagedu Ram, son of late Ghurfekan Ram
11. Bharat Ram, son of Basawan Ram
12. Mona Ram, son of Devi Muni Ram
13. Sukhari Ram, son of late Shiv Muni Ram.
14. Chandrawati Devi, wife of Prasidhan Ram
15. Sobha Ram, son of late Ghurfekan Ram
16. Bashisth Ram, son of late Ghurfekan Ram
17. Shivjee Ram, son of late Ghurfekan Ram
18. Shiv Muni Ram, son of late Ghurfekan Ram
19. Bigadhar Ram, son of Moti Ram
20. Lalan Ram, son of Jang Bahadur Ram
21. Lal Bahadur Ram, son of late Sumer Ram
22. Garib Ram, son of late Sukhpal Ram
23. Sita Ram, son of Shankar Ram
24. Bhagirathi Ram, son of Sri Moti Ram.
25. Ramjasi Ram, son of Sital Ram

Respondent nos.6 to 25 all are resident of village-Chhata Baradhi, P.O.-
Pajraon, P.S.-Nuaon, District-Kaimur at Bhabhua.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Jha
Mr. Narendra Pandey
For the Respondent nos.1to5: Mr. Yogendra Prasad Sinha, AAG-15
Rajeev Kumar Sinha, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

9 03-08-2015 Heard learned counsel appearing on behalf of the
petitioner and learned AC to AAG-15 appearing on behalf of the
respondent nos.1 to 5.

The petitioner claims to be a landless person. He
made a petition before the District Collector, Kaimur at Bhabhua

for settlement of a piece of land bearing plot no.230 appertaining to khata no.110 situate at village Baradhi (Barari) in the district of Kaimur (Bhabhua). The claim for settlement of land in favour of the petitioner has been rejected by a cryptic and non-speaking order dated 14.07.2008 (Annexure-1) passed in Case No.4 of 2008-09.

From plain reading of the impugned order dated 14.07.2008 (Annexure-1), this Court finds that the respondent District Collector, while rejecting the claim of the petitioner, has neither applied his independent judicial mind to the facts of the case nor he has recorded sufficient reasons for coming to such conclusion.

In above view of the matter, the impugned order dated 14.07.2008 (Annexure-1) passed in Case No.4 of 2008-09 is set aside and the matter is remitted back to the respondent District Collector, Kaimur at Bhabhua with a direction to pass fresh order in accordance with law. Before passing any fresh order, he shall give an opportunity of hearing to all concerned including the petitioner and the private respondent nos.6 to 25 and shall dispose of the same by a reasoned and speaking order.

In order to expedite the matter, the petitioner is directed to appear before the respondent District Collector, Kaimur at Bhabhua with a certified copy of the present order within a maximum period of six weeks, whereafter the matter shall proceed further in accordance with law in the light of the observations and directions made above.

The writ petition stands finally disposed of with the observations and directions made above.

Arvind/-

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(Birendra Prasad Verma, J)