

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14903 of 2014

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1. Ramdeo Paswan son of Late Ram Phal Paswan resident of Village - Bardipur, Akhatwara, Police Station Jamalpur Uttar Purnwas, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner - cum - Secretary, Water Resources Department, Bihar, Patna
3. The Director, Land Acquisition and Rehabilitation, Water Resources Department, Bihar, Patna
4. The Joint Secretary - Cum - Director, Land Acquisition and Rehabilitation, Water Resources Department, Bihar, Patna
5. Rehabilitation Officer, Koshi Project, Water Resources Department, Supaul
6. Parmeshwar Yadav son of Jagdish Yadav resident of village - Akhatwara North, Police Station - Jamalpur and District - Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Adv.

For the Respondent/s : Mr. Pandey S Sahay, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 19-01-2015 Heard Mr. Girish Chandra Jha, learned counsel for the petitioner and learned counsel for the State.

The petitioner is aggrieved by the notice bearing No. 11/17.7.2014 as contained in Annexure-7 to the writ petition whereby the petitioner has been charged with illegal constructions over the land in question and has been directed to remove the same. The petitioner is also aggrieved by the settlement of the land in question in favour of the respondent No.6.

It is the case of the petitioner that the land in question was

settled with him for agricultural purposes but while it was under the settlement with the petitioner that the developments aforementioned have taken place.

A counter affidavit has been filed on behalf of the State in which it is stated that 8 acres of Government land in its Water Resources Department situated in village-Akhatwara Uttari in the District Darbhanga was settled with the petitioner in the year 2007-08 for a period of one year only and exclusively for agricultural purposes. It is stated that the petitioner not only occupied the said land but also built a hut (house) thereon and it is in such circumstances that a notice was issued to the petitioner to make payment of the arrears of rent on 6.10.2012 placed at Annexure-A but the petitioner failed to deposit the rent also. It is stated that for the period 2014-15 it was decided to settle the land again on lease for a period of one year through public auction and accordingly a public notice was issued and auction was held on 8.7.2014 in which three persons participated and of the three, the respondent No.6 being the highest bidder and being a displaced person was settled the land at a price of Rs. 14,400/- (at the rate of Rs. 1600/- per acre). The said amount has been deposited by the respondent No.6 and the receipt whereof is placed at Annexure-B to the counter affidavit.

It is stated that it is in these circumstances that the petitioner was served with the notice dated 17.7.2014 but he has yet not vacated the plot. The said notice was followed by another notice dated 16.8.2014.

Having heard learned counsel for the parties and taking note of the circumstances existing in my opinion, no cause for indulgence is made out by the petitioner. The land in question was settled with the petitioner for the year 2007-08 for a period of one year only and which period has since expired. The petitioner has been held a defaulter. A notice was issued to him to clear the arrears which again went in default resulting in a public auction and in which the respondent No.6 has been selected and the land in question stands settled in his favour.

No cause for indulgence is made out and the writ petition is dismissed.

(Jyoti Saran, J)

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