

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13897 of 2012

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Kalendra Kumar Singh, aged about 33 years, S/O Late Parmeshwar Singh,
R/O Village Baroha , P.S. Nautan, Distt. Siwan

.... Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Home Affairs, New Delhi
2. The Secretary, Ministry of Home Affairs, New Delhi
3. The Under Secretary to the Govt. of India, Freedom Fighter Division, Ministry of Home, Lok Nayak Bhawan, Khan Market, New Delhi
4. The State of Bihar through the Principal Secretary, Deptt. of Home, Govt. of Bihar, Patna
5. The Secretary Home (Special), Freedom Fighter, Govt. of Bihar, Patna
6. The Collector-Cum-District Magistrate, Siwan
7. Senior Deputy Collector, Siwan
8. The Sub Divisional Officer, Siwan
9. Block Development Officer, Ziradai, Siwan
10. Superintendent of Jail, District Jail, Darbhanga
11. The Panchayat Sachiv, Gram Panchayat Raj Hasua, Ziradai, Siwan

Respondent 1st Parties.

12. Chandrika Singh, Son of Late Bisheshwar Singh
13. Birendra Singh, Son of Late Bisheshwar Singh
14. Partibha, D/O Late Nagendra Singh, Son of Late Bisheshwar Singh
15. Ankit Kumar, S/O Late Nagendra Singh, Son of Late Bisheshwar Singh
All Residents of Village - Baroha, P.S. Nautan, District - Siwan
16. Rajkeshari Devi, D/O Late Bisheshwar Singh, W/O Abhainandan Singh
R/O Village - Pitnuni, P.S. Mufashil, District Siwan
17. Chaneswari Devi, D/O Late Bisheshwar Singh, W/O Jay Prakash Singh
R/O Village - Pitauni, P.S. Mufasil, District - Siwan
18. Srimati Devi, D/O Late Bisheshwar Singh, W/O Ram Naresh Singh R/O
Baraso, P.S. Mairwa, District Siwan

Respondent 2nd Parties.

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Appearance :

For the Petitioner/s	:	Mr Parmeshwar Kumar Sinha, Advocate
	:	Mr. Arvind Kumar Sharma, Advocate
For the Respondent/s	:	Mrs. Kalpana, AC to Sc19
For the Union	:	Mr. S.D. Sanjay, A.S.G.
	:	Mr. Anshuman Singh, CGC.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

2 04-08-2015

The petitioner seeks direction to the respondents
restraining from making payment of Freedom Fighter Pension to

the members of respondent 2nd Party.

2. According to the petitioner, one Khelawan @ Ram Khelawan was freedom fighter. He had two sons, namely, Bisheswar Singh and Parmeshwar Singh. Petitioner belongs to the branch of Parmeshwar Singh, whereas the respondent belongs to the branch of Bisheswar Singh. The said Bisheswar Singh with an ill design misrepresented himself as Khelawan @ Ram Khelawan and usurped the freedom fighter pension, though they were two different identities. In fact Bisheswar Singh is the son of Khelawan @ Ram Khelawan. The assets attributable to Khelawan @ Ram Khelawan, would equally devolve upon Bisheswar Singh and Parmeshwar Singh.

3. The petitioner has filed a rejoinder to the counter affidavit. In his rejoinder affidavit, he has annexed decree passed in Title Appeal No. 245 of 1970 / 54 of 1982 and order dated 20.07.1987 passed in Second Appeal No. 319 of 1982 marked as Annexures- 14 and 15. He states that Second Appeal No. 319 of 1982 was himself filed by Bisheshwar Singh, in which he nowhere gives the proclaimed alias name.

4. A counter affidavit has been filed on behalf of the State. Counsel for the State submits that Bisheshwar Singh @ Ram Khelawan Koeri applied for Swatantrata Sainani Samman



Pension in the year 1981 on the ground that he was in incarceration for more than six months. The matter was enquired by the District Magistrate, Siwan and he ordered for release of pension on 25.06.1989. Again in para 8 of the counter affidavit, it is stated that one Sri Swami Nath Singh too made allegations against Bisheshwar Singh for posing as Khelawan @ Ram Khelawan. The State Government examined the matter including the complaint of the petitioner and referred the matter to Government of India vide letter dated 24.09.1997 for taking appropriate action. In the meantime, Bisheshwar Singh filed C.W.J.C. No. 11256 of 1997, which was withdrawn on 17.02.2000. It is stated in para 11 that the Union Government sought certain queries from the State Government, which in turn asked the District Magistrate, Siwan to make an enquiry. In his report, the District Magistrate, Siwan stated that there is no alias name of Sri Bisheshwar Singh. The State Government forwarded the enquiry report of the District Magistrate, Siwan to the Union Government to take fresh decision. In para 12, it is stated that the District Magistrate, Siwan vide his letter no. 1425 dated 26.08.2011 again sent a report that Bisheshwar Singh @ Ram Khelawan Keori is the name of the one and same person.

5. I find that there are conflicting reports on the issue.

The main question is whether Bisheshwar Singh @ Ram Khelawan Keori are the same person or whether Bisheshwar Singh is son of Ram Khelawan Ram.

6. As the issue is one of the facts in which each party had made conflicting claims, I think it appropriate that the State of Bihar and Union Government would look into the matter and act in accordance with law.

7. With the aforesaid observation, this application stands disposed of.

(Samarendra Pratap Singh, J.)

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