

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21365 of 2013

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1. Shankar Ram Son of Late Lakhan Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
 2. Sukhari Ram S/O Late Basudeo Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
 3. Jagdish Ram Son of Late Deu Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
 4. Lalmuni Ram Son of Ramjanam Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
 5. Rash Bihari Ram Son of Late Ghurphekan Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
 6. Guput Ram Son of Late Ramnandan Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
 7. Ramashish Ram Son of Late Ramnandan Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
 8. Shiv Pujan Ram Son of Late Tengar Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
 9. Nageshwari Ram Son of Late Bihari Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
 10. Kalawari Kuwar Wife of Late Bhikhur Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
 11. Laxminia Kuwar Wife of Late Ram Pati Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
 12. Samudri Kuer W/O Late Ramdeo Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
 13. Lahasi Kuwar Wife of Late Balrup Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
 14. Radhika Devi Wife of Shiv Kumar Ram and D/O Jaga Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
 15. Shobhnath Ram Son of Late Balkishun Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
 16. Jokhu Ram Son of Late Jaideo Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
 17. Saroj Kumar Son of Late Ramnath Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Kaimur At Bhabua
3. The Additional District Magistrate, Kaimur At Bhabua
4. The D.C.L.R. Bhabua, District - Kaimur
5. The Anchal Adhikari, Chenari, District - Rohtas
6. Tetara Devi Wife of Baban Ram, Daughter and legal heir of One Bagedan Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
7. Beyafi Devi Wife of Jayshree Ram, Daughter and legal heir of One Bagedan Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
8. Rupauli Devi Wife of Jayshree Ram, Resident of Village - Khadauli,

Mauza-Atrawalia, P.S. - Chenari, District - Rohtas

9. Indu Devi Wife of Daroga Ram , the Daughter-in-Law of Jayshree Ram Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
10. Sharda Devi Wife of Bhutai Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
11. Umrawati Devi Wife Of Rajendra Ram, Daughter-In-Law of Khobhari Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
12. Deepak Kumar S/O Rajendra Ram, Granson of Khobhari Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
13. Aspatali Devi Wife of Ram Pravesh Ram, Daughter-In-Law of Bhikhari Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
14. Renubala Wife of Rajesh Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
15. Saraswati Devi Wife of Jhulan Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
16. Dhanwanti Devi Wife of Kanhaiya Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
17. Laxmina Devi Wife Of Gobind Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
18. Tetari Devi Wife of Bechu Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
19. Savitri Devi Wife of Laljee Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
20. Sanjogiya Devi Wife of Ghura Ram, Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas
21. Urmila Devi W/O Bigau Ram Resident of Village - Khadauli, Mauza-Atrawalia, P.S. - Chenari, District - Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Sahay
Mr. Ajay Nandan Sahay

For the Respondent No.1 to 5: Mr. Raju Giri
Mr.Nikhil Kr. Agrawal, AC to GP-30

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 17-12-2015

Heard the parties.

The grievance of the petitioners in the present writ petition filed under Article 226 of the Constitution of India is that certain area of lands were settled in their favour and few others, 24 in numbers, by virtue of orders passed by the respondent Anchal



Adhikari, Chenari in Land Settlement Case No. 2 of 1988-89, which has been brought on record as Annexure-1 to the writ petition, but without cancelling previous settlement made in favour of the petitioners, fresh Land Settlement Case No. 10 of 2012-13 has been started by the respondent Anchal Adhikari, Chenari for settling those lands, which have already been settled in favour of the petitioners and the other persons. According to the learned counsel appearing on behalf of the petitioners, the impugned action of the respondent Anchal Adhikari is wholly without jurisdiction.

The learned AC to G.P. 30 appearing on behalf of the respondent no. 1 to 5, on the other hand, submits that with respect to the claims raised on behalf of the petitioners, they ought to have raised their objections before the respondent Anchal Adhikari, Chenari and only on non-consideration of their claims, they could have approached the higher authority/ forum or could have approached this Court in the present proceeding. According to him, the present writ petition filed on behalf of the petitioners at this stage, when the aforesaid Settlement Case No. 10 of 2012-13 still is pending, is premature and is fit to be dismissed.

After having heard the parties, this Court finds that the Land Settlement Case No. 10 of 2012-13 is still pending before the respondent Anchal Adhikari, Chenari. In above view of the matter, the petitioners, besides the other settlees, are directed to appear before the respondent Anchal Adhikari within a period of one month from today with a certified copy of the present order and they shall produce all the documents in support of their claims of settlement of the lands in question, whereafter the respondent Anchal Adhikari shall be obliged to consider and decide their

claims by a reasoned and speaking order, but before passing any final order, he shall further be obliged to give an opportunity of hearing to the petitioners and other settlees as also the respondent no. 6 to 21.

The parties shall be at liberty to raise all the issues of facts and law, which may be available to them, before the respondent Anchal Adhikari, Chenari, with respect to the lands in question, who shall make all endeavours to dispose of the same at an early date preferably within a period of six months from the date of appearance of the petitioners.

Till the matter is finally decided by the respondent Anchal Adhikari, Chenari, if the settlement of the land in question has not already been made in favour of any their party or the private respondents, then final order for settlement of the land in question shall not be made by the Anchal Adhikari, Chenari in favour of the private respondents or any third party.

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

(Birendra Prasad Verma, J)

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