

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1222 of 2012

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Arbind Kumar Singh, S/O Binda Singh, R/O Village- Jhakhra, Police
Station- Gavindganj, District - East Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, East Champaran
3. The Deputy Collector, Land Reforms, East Champaran
4. The Circle Officer, Areraj, East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Mahasweta Chatterjee, Adv.
For the Respondent/s : Mr. Yogendra Pd. Sinha, AAG-15
Mr. Shankar Kumar, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 08-03-2016

Heard.

The petitioner claims to be the military personnel. He is aggrieved by the order/communication dated 31.10.2011, as contained in Annexure-13 to the writ petition, whereby the claim for settlement of plot no.1252 appertaining to khata no.120 has been rejected.

Indisputably, the claim of the petitioner was earlier rejected by an order dated 29.07.2008 by the respondent Circle Officer, Areraj, whereafter the petitioner approached this Court in CWJC No.18066 of 2008, which was finally disposed of by an order dated 25.07.2009 vide Annexure-8 by a Bench of this Court, whereby the respondent Circle Officer, Areraj, East Champaran was directed to make spot verification and he was to consider as to whether the lands in question which is a Pokhar is legally permissible to settle in favour of the petitioner. By the impugned communication, it has been held that the lands in question is a

Sairat, which cannot be settled.

The learned counsel appearing on behalf of the petitioner, by referring to the certain documents, submits that with the passage of time the nature of lands has been changed and the Pokhar in question is no longer a Sairat. Therefore, according to the learned counsel, the lands could have been settled in favour of the petitioner.

This Court is not inclined to accede to the prayer made on behalf of the petitioner on two grounds: firstly, the learned counsel appearing on behalf of the petitioner has not been able to show that Anchal Adhikari is the prescribed authority who can settle the lands in favour of any military personnel; and secondly the disputed issues of facts cannot be gone into in a proceeding under Article 226 of the Constitution of India and further as to whether the Pokhar in question is a Sairat or its nature has been changed with the passage of time cannot be determined in the present proceeding filed under Article 226 of the Constitution of India.

In above view of the matter, the writ petition is dismissed, but there shall be no order as to costs.

(Birendra Prasad Verma, J)

Arvind/-

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