

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6522 of 2014

With
Interlocutory Application No. 1716 of 2016

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Bindeshwar Paswan S/O Late Natuni Paswan R/O Village - Andhan
Nandwar, Punarwas, P.S. Bairstania, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Sitamarhi
3. The Deputy Collector Land Reforms, Sitamarhi
4. The Rehabilitation Officer, Bagmati Project, Sitamarhi
5. Rajendra Prasad Singh S/O Late Sobaran Singh R/O Village -
Adamban, P.S. Bairstania, District - Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Yadav, Advocate

For the Respondent Nos. 1 to 4: Mr. Rajesh Kumar, AC to GP 28

For the Respondent no.5 : Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-07-2016

Re: I.A.No. 1716 of 2016

The instant Interlocutory Application has been filed on behalf of the proposed heir of writ petitioner seeking substitution of deceased petitioner Bindeshwar Paswan, who died on 15.03.2015.

The learned counsel appearing on behalf of the petitioner submits that the petitioner has died leaving behind his widow Sushila Devi and other heirs and legal representatives, but only the widow of the petitioner may be substituted as his other heirs and legal representatives have no objection in substitution their mother in place of their father, which is mentioned in paragraph 4 of the instant Interlocutory Application.

The learned State counsel appearing on behalf of the respondent nos. 1 to 4 does not raise any objection to the prayer for substitution made in the instant Interlocutory Application.

In the aforesaid facts and circumstances, the prayer for substitution is allowed.

Let the name of deceased petitioner Bindeshwar Paswan be expunged from array of the parties of the main writ petition and he be substituted by his widow Sushila Devi as mentioned in paragraph no.4 of the instant Interlocutory Application.

The present Interlocutory Application stands finally disposed of with the observations and directions made above.

Re: CWJC No. 6522 of 2014

The original writ petitioner had filed the present writ petition under Article 226 of the Constitution of India assailing the validity and correctness of the land allotment certificate dated 18.05.1987 (Annexure-1), whereby Rehabilitation Officer, Bagmati Project, Sitamarhi has allotted 46 decimals of land in favour of the private respondent no.5 Rajendra Prasad Singh on the ground of being a displaced person.

Though, the learned counsel appearing on behalf of the petitioner has argued the matter for some time, but he has not shown the legal right of the petitioner over the land in question. The only plea raised on behalf of the petitioner is that he is also a displaced person and therefore, he ought to have been allotted the land in question.

The learned counsel appearing on behalf of the respondent no.5, on the other hand, submitted that the writ petition suffers from delay and laches. The settlement made in favour of the respondent no.5 in the year 1987 is being challenged in the present proceeding after more than 27 years, therefore, according to him, the writ petition is liable to be dismissed on that ground

alone.

The learned State counsel, appearing on behalf of the respondent nos. 1 to 4, submits that, in view of the orders passed in the collateral proceedings, the claim of the petitioner in the present writ petition is barred by res-judicata.

After having heard the parties and on consideration of the materials available on the record, this Court is of the opinion that the writ petition is devoid of merit and settlement made in favour of the private respondent no.5 way back in the year 1987 cannot be permitted to be re-agitated and re-opened after such a long time. Accordingly, the writ petition is dismissed, but without costs.

(Birendra Prasad Verma, J)

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