

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21989 of 2012

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1. Banke Bihari Singh Son Of Late Ramanand Singh Resident Of Village- Paterahi,
P.O. Ishrouli, P.S. Marhourah, District- Saran, Bihar

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Saran Division, Chapra
3. The Commissioner, Tirhut Division, Muzaffarpur
4. The District Magistrate, Saran, Chapra
5. The Additional District Magistrate, Saran, Chapra
6. The Circle Officer, Marhourah, District- Saran, Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. RATNA DAS

For the Respondent/s : Mr. DEVENDRA KR SINHA AAG2

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 11-02-2016

Heard the Counsel for the petitioner and the A.C. to
A.A.G.-2 for the State. Parties have exchanged the pleadings.

The writ application under Article 226 of the Constitution of India has been filed for a direction upon the respondents to settle land in favour of the petitioner being an Ex-serviceman after setting aside the order dated 6.8.2012 passed by the respondent Divisional Commissioner, Saran Division, Chapra in Misc. Case No. 87 of 2011 (Annexure-1). The Commissioner in the order has declined to grant relief considering that there was delay on the part of the petitioner in raising the claim after more than three decades.

Counsel for the petitioner submits that an Ex-serviceman is entitled to settlement of government waste land for under the relevant

circular of the Government. The petitioner has been pursuing his remedy since 1963 while he was in service. He shall apply afresh for such settlement of land which may be directed to be considered/examined in accordance with law.

Counsel for the State, on the other hand, states that there is nothing on record to show that any order settling the government land was passed in his favour. There is inordinate delay on the part of the petitioner in raising such claim. However, if the petitioner under the relevant circular is entitled to consideration of the matter, the fresh representation, if filed, would be considered in accordance with law.

Considering the submission of the parties, this Court, while declining the relief as prayed in the application, disposes of the application permitting the petitioner to file a fresh application for such settlement before the appropriate/competent authority of the respondent State for its consideration/examination in accordance with law.

(Kishore Kumar Mandal, J)

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