

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10881 of 2007

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Tilshari Devi, wife of Buti Ram, resident of village-Kayamnagar,
P.S.&Anchal-Koilwar, District-Bhojpur. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Collector, Bhojpur.
3. Bhikari Ram
4. Ram Pravesh Ram

Both sons of Madhu Ram, resident of village-Matiara (Kayamnagar),
P.S.&Anchal-Koilwar, District-Bhojpur. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Aditya Nr.Singh I, Adv.

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 11-08-2016

Heard learned counsel for the petitioner. None appears on behalf of the State of Bihar and its functionaries. None appears on behalf of the private respondents as well, though notices were issued to them by a Bench of this Court by an order dated 24.02.2009 and again by an order dated 09.05.2014.

The petitioner is aggrieved by the order dated 26.07.2006 passed in Land Settlement Appeal Case No.18 of 2001 by the respondent Additional Collector, Bhojpur, as contained in Annexure-4 to the writ petition, whereby, after cancelling the settlement made in favour of the petitioner with respect to the lands in question, a direction has been issued to the Anchal Adhikari, Koilwar for taking appropriate further steps for settlement of the lands in question.

Admittedly, the lands in question is a government land and has been recorded in the revenue records as “Anawad Bihar Sarkar”. The D.C.L.R., Sadar Ara on the basis of the recommendation made by the Anchal Adhikari, Koilwar had recommended for settlement of six decimals of land of plot no.678 situate at Mauza Kayamnagar in favour of the petitioner. Accordingly, after approval of S.D.O., settlement was made in favour of the petitioner. However, the private respondent nos.3

and 4 also claiming to be the landless persons and further claiming that they are in possession over some part of the lands in question filed Land Settlement Appeal Case No.18 of 2001. In the aforesaid appeal, after giving an opportunity of hearing to the petitioner by the impugned final order dated 26.07.2006 passed by the respondent Additional Collector, Bhojpur, earlier settlement made in favour of the petitioner has been cancelled by recording a finding of fact that the petitioner herein as also the respondent nos.3 and 4 both are having their own homestead lands, and the lands in question is falling between the houses of the petitioner and the respondent nos.3 and 4. Therefore, some dispute is going on between the two sides. In order to prevent any untoward incident and for protecting the interest of both sides, earlier settlement made in favour of the petitioner has been cancelled and a direction has been issued to the Anchal Adhikari, Koilwar for passing a fresh order for resolution of the dispute between them.

In the light of the impugned order, fresh decision is yet to be taken and the matter has to be decided by the Anchal Adhikari, Koilwar afresh. In above view of the matter, this Court is not inclined to interfere with the impugned order dated 26.07.2006 passed in Land Settlement Appeal Case No.18 of 2001 by the respondent Additional Collector, Bhojpur, as contained in Annexure-4 to the writ petition.

Accordingly, the writ petition is dismissed. However, a liberty is granted to the petitioner to approach the Anchal Adhikari, Koilwar or any other higher authority of the State government for settlement of some other land in her favour in accordance with law.

Arvind/-

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(Birendra Prasad Verma, J)