

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7319 of 2016

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Shakeela Khatoon @ Shakeena Khatoon wife of Md. Rahmat, resident of village - Dharampur, Anchal - Kusheshwar Sthan (Purvi), Post Office and Police Station Kusheshwar Sthan, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna
2. The Collector, Darbhanga
3. The Sub - Divisional officer, Biraul Sub - Division, Darbhanga
4. The Deputy Collector Land Reforms, Biraul, Darbhanga
5. The Circle Officer, Kusheshwar Sthan (Purvi), Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate

For the Respondent/s : Mr. Dhurendra Kumar, AC to GP 5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 13-12-2016

Heard the parties.

2. The grievance of the petitioner is that though, she filed an application before the Circle Officer, Kusheshwar Sthan (East), District Darbhanga for settlement of 4 decimals of land or for issuance of homestead parcha on the ground that she is having possession over the same, but till date, matter has not been taken to its logical conclusion.

3. The learned counsel appearing on behalf of the petitioner submits that the matter was inquired into by different authorities and some authorities found possession of the petitioner over the land in question, detailed in paragraph 4 of the writ petition, but lawful right of the petitioner is being denied on certain extraneous consideration.

4. In the present matter, a counter affidavit has been filed on behalf of the respondent nos. 2 to 5, wherein claim of the petitioner over the lands in question has been disputed. It is the case of the aforesaid respondents that the petitioner is not in possession over the



same; rather someone else is having possession.

5. From the pleadings of the parties, it is apparent that there is some dispute with respect to possession of the petitioner over the lands in question as also her entitlement for settlement of the lands in question. However, the learned counsel appearing on behalf of the petitioner has shown certain documents/orders to support the case of the petitioner, but admittedly final order has not been passed till date.

6. In above view of the matter, the petitioner is directed to file an appropriate petition before the respondent District Collector, Darbhanga raising all her claims with respect to the lands in question. If such a petition is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the respondent District Collector, Darbhanga either himself or as per his direction, some other competent authority of the State shall examine the claim of the petitioner afresh with respect to the lands in question and shall pass an appropriate final order at an early date, preferably within a period of three months from the date of filing of such petition, but before passing any final order, opportunity of hearing must be given to all concerned including the petitioner and other claimants, if any.

7. This is clarified that this Court has not gone into the merits of the claim raised on behalf of the petitioner with respect to the lands in question and this is left to be decided by the competent authority strictly in accordance with law.

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

(Birendra Prasad Verma, J)

Tahir/-

AFR/NAFR	
CAV DATE	
Uploading Date	13.12.2016
Transmission Date	

