

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22278 of 2012

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Ratneshwar Kumar, S/O Sri Laxman Singh, R/O Village- Pipra, P.S.-
Daraundha, District- Siwan

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Saran Division, District- Chapra
3. The Collector, Siwan, District- Siwan
4. The Additional Collector, Siwan, District- Siwan
5. The Sub-Divisional Officer, Maharajganj, District- Siwan
6. The Circle Officer, Daraundha, District- Siwan
7. Ravi Kant Rai, S/O Rameshwar Rai, R/O Village- Pipra, P.S.-
Daraundha, District- Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha, Adv. Mr. Sanjay Kumar Singh, Adv.
For the Respondent nos.1to6	:	Mr. Manoj Kumar Sinha, AC to SC-30
For the Respondent no.7	:	Mr. Umesh Kumar Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 04-03-2016 Heard the parties.

The petitioner is aggrieved by the order dated 21.08.2012 passed in Settlement Revision No.26 of 2010 by the respondent Commissioner, Saran Division, Chapra, as contained in Annexure-1 to the writ petition, whereby, after setting aside the earlier order of settlement made in favour of the petitioner, the matter has been remanded back to the respondent District Collector, Siwan with a direction to reconsider the case in accordance with law and pass a fresh order.

Indisputably, the petitioner as also the respondent no.7 both are Army-Men. The learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the respondent no.7 have fairly conceded that both of them are

distantly related to each other.

The learned counsel appearing on behalf of the petitioner submits that, in view of the earlier order of settlement made in favour of the petitioner by order contained in Annexure-4, the petitioner has constructed his house. He also submits that the interest of respondent no.7 can also be protected by settling the other remaining area of plots in question.

The learned counsel appearing on behalf of the respondent nos.1 to 6 and the learned counsel appearing on behalf of the respondent no.7 have contested the matter. According to them, the writ petition is liable to be dismissed in view of the findings recorded by the Commissioner in the impugned revisional order, as contained in Annexure-1, and further the matter has simply been remanded and it is yet to be finally decided by the respondent District Collector.

After having heard the parties at some length, this Court does not feel persuaded to interfere with the impugned revisional order dated 21.08.2012, as by the aforesaid order the matter has been remanded back to the respondent District Collector for reconsidering the entire case and for passing a fresh order.

In above view of the matter, the writ petition is disposed of only with an observation that the respondent District Collector while passing the fresh order shall give reasonable opportunity of hearing to the petitioner as also the respondent no.7 and they shall be at liberty to raise all the issues of facts and law, which may be available to them, with respect to their claims for settlement of government land in their favour. All endeavours shall be made to pass a fresh order in accordance with law at an

early date preferably within a period of three months from the date of receipt/production of a copy of this order.

It is also clarified that, while passing a fresh order, the respondent District Collector shall not be any way prejudiced or influenced by any findings recorded by the respondent Commissioner in his impugned order and he shall pass a fresh order in accordance with the government circulars and orders, which are applicable with respect to the claim of the parties for settlement of the government land in their favour.

(Birendra Prasad Verma, J)

Arvind/-

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