

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2861 of 2014

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1. Lakhan Lal Sharma S/O Late Gohal Sharma
2. Kapildeo Sharma S/O Ayodhi Sharma R/O Vill. Manoharpur P.S.
Bhawanipur Bihpur in the District of Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Bhagalpur
3. The Sub Divisional Magistrate, Nawgachhiya
4. The Land Reform Deputy Collector, Nawgachhiya
5. The Circle Officer Narayanpur, Nawgachhiya
6. Mr. Sudhir Sharma S/O Sri Vasant Sharma R/O Vill. Manoharpur P.S.
Bhawanipur Bihpur in the District of Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate
Mr. Sanjeev Kumar, Advocate

For the Respondent Nos. 1 to 5: Mr. Manoj Kumar Sinha, AC to SC 301

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 18-05-2016

Heard the parties.

2. The petitioners are aggrieved by different orders passed in Settlement Case No. 37 of 2012-13 by the Circle Officer, Narayanpur, as contained in Annexure-3 to the writ petition, whereby land of plot nos. 2294 and 2306, total area being 21 decimals, has been settled in favour of the private respondent no.6.

3. The learned counsel appearing on behalf of the petitioners submits that they were neither issued any show cause notice nor were given any opportunity of hearing before passing final order of settlement in favour of the private respondent no.6 vide orders as contained in Annexure-3, though the lands in question are situate adjacent to their houses. However, he fairly conceded that the lands in question are government lands recorded in the revenue records as 'Anawad Bihar Sarkar'.

4. The learned State counsel, appearing on behalf of the respondent nos. 1 to 5, on the other hand, submits that the respondent no.6, being a landless person, a proposal for settlement of land was made and after following the due procedure, 21 decimals of land has been settled in his favour on payment of rent.

5. After having heard the parties, this Court finds that so far these petitioners are concerned, they have no legal right over the lands in question. Indisputably, the lands in question are government lands, therefore, in a proceeding initiated for settlement of the lands in question in favour of the respondent no.6, being a landless person, no notice was required to be issued to the petitioners. The petitioners, having no legal right over the lands in question, cannot legally question the propriety of settlement of lands made in favour of the private respondent no.6.

6. The writ petition is apparently devoid of merit and is, accordingly, dismissed. However, there shall be no order as to costs.

(Birendra Prasad Verma, J)

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