

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11264 of 2015

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Urmila Devi, W/o Sudarshan Singh, resident of Village: Tiyyara, P.S. Rajpur,
District- Buxar.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Buxar.
3. Sub- divisional Officer, Buxar, District- Buxar.
4. Circle Officer, Rajpur, Circle Rajpur, District- Buxar.
5. Officer In-charge of Rajpur Police Station, District- Buxar.
6. Superintendent of Police Buxar, District- Buxar.
7. Deputy Superintendent of Police, Buxar, District- Buxar.
8. Ram Kishun Ram, Son of Late Raj Narayan Ram, resident of village- Tiyyara,
P.S.- Rajpur, District- Buxar.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Bachan Jee Ojha, Advocate
For the State	:	Mr. P. K. Verma, A.A.G.3, Ms. Divya Verma, A.C. to A.A.G.3
For respondent no.8	:	Mr. Arun Kumar Gupta, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 16-12-2016

Heard parties.

In view of the dispute which has arisen between the petitioner and the private respondent regarding encroachment of public land of plot no.489 as claimed by the petitioner and regarding the settlement of the land under Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 in favour of the respondent no.8 by the competent authority as has been claimed by the respondent no.8 and the fact being this that the plot no.489 is of total area of 76 decimals and is admittedly a public land and to



extent of 10 decimals was settled in favour of the father of the respondent no.8 as has been claimed by the respondent, this Court would be inclined to direct the District Magistrate, Buxar to resolve the issue by first making an enquiry as to whether there was any valid settlement in favour of the respondent no.8 or not and if the settlement is there then whether the respondent no.8 is in occupation of part of plot no.489 which was settled to his father or not? For doing that, he will also get the land measured in presence of both the parties and, thereafter, decide the issue so that the issue is resolved once for all. The Appeal No.138 of 2012 which is also pending before the District Magistrate against the order of the Sub-Divisional Magistrate should also be disposed of accordingly.

It is expected that after receipt of a copy of this order, miscellaneous case would be registered by the Collector and, thereafter, the aforesaid appeal and the miscellaneous case should be decided as per the order of this Court after granting reasonable opportunity to all the parties within a period of four months thereafter.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
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