

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2115 of 2014

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Ramanand Paswan S/o Late Ramautar Paswan Resident of Village - Shyampur,
Malpur, Block - Chaurahi, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Begusarai
3. The Additional Collector, Begusarai
4. The District Panchayat Raj Officer, Begusarai
5. The Circle Officer, Chaurahi, Begusarai
6. The Executive Engineer, Local Area Engineering Organization, Works Division -
II, Bakhri, Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SHYAMESHWAR KUMAR SINGH
For the Respondent/s : Mr. JAWAHAR PD. KARN

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 21-09-2016

Heard the counsel for the petitioner and the State.

The petitioner claims settlement of 1.01 acres of land appertaining to Khata No. 109 Plot No. 435 in Village Malpur in the district of Begusarai. Entire order sheet of Settlement Case No. 55/1961-62 has been enclosed. It is further stated that earlier a proceeding in respect of the settlement of land with the father of the petitioner was initiated vide Case No. 29M of 1976.

The present writ application raises a grievance that the respondents-State are constructing Panchayat Sarkar Bhawan on the land of the petitioner without taking any steps for annulling the settlement made in favour of the father of the petitioner. It is stated on behalf of the respondents-State that the plot in question has in all 2 bigha 13 kathas of land. According to the petitioner, only 1.01 acres of land was allotted/settled. It does not appear from the pleadings on

record that the respondents-State is constructing the Panchayat Sarkar Bhawan on the land of the petitioner leaving other part thereof which admittedly the stand recorded as Gair Majarua Aam.

Whether the land was settled with the father of the petitioner as per the circulatory provisions of the State is another issue to be considered by the Authority. However, as the petitioner claims settlement of part of the subject land measuring 1.01 acres and also claims to have mutated his name in respect thereof, in my view, the ends of justice shall be served, if the petitioner is permitted to represent his case before the respondent-District Collector.

If any such application/representation is filed within three weeks, the Collector shall consider the said application, call for reports or inquire into the matter as the case may be, and thereafter pass an appropriate order in accordance with law as quickly as possible preferably within six weeks. As soon as the representation is filed, the respondents-State shall stay its hand from proceeding further with construction of road over 1.01 acres of land claimed by the petitioner under Khata No. 109 Plot No. 435 in the Village Malpur within Khodawanpur Block in the district of Begusarai, until disposal of the matter by the respondent-Collector.

(Kishore Kumar Mandal, J)

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AFR/NAFR	NAFR
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