

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6786 of 2015

With
Interlocutory Application No.416 of 2016

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1. Gopal Pandey
2. Rajnish Kumar Pandey,
Both sons of Late Umesh, Resident of Mohalla- Digha, P.S-Digha, Distt-
Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources Department, Old Secretariat,
Govt. of Bihar, Patna
3. The Chief Engineer, Water Resources, Department, Sone Bhawan,
Anisabad, Patna
4. The Superintending Engineer, Water Resources Department, Mithapur,
Patna
5. The Executive Engineer, Water Resources Department, Sone Canal
Division, Khagaul, Danapur, Patna
6. The Sub-Divisional Officer, Sone Canal, Sub-Division, Naubatpur, Patna
7. The District Magistrate, Patna
8. The Circle Officer, Patna, Sadar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dinu Kumar, Adv.
Mr. Ghanshyam Prasad Sinha, Adv.
For the Respondent/s : Mr. Ratnakar Ambastha, AC to GP-13

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 09-02-2016

Heard the parties.

The petitioners are aggrieved by the office order dated 11.04.2014 issued by the respondent Sub-Divisional Officer, Sone Canal Sub-Division, Naubatpur, Patna, as contained in Annexure-2 to the writ petition, whereby the rent receipt/receipts dated 31.01.2011 and 12.08.2011 issued in favour of the father of the petitioners have been cancelled.

The learned counsel appearing on behalf of the petitioners, by referring to the different receipts, as contained in Annexure-1, submits that the lands in question was settled in favour of the father of the petitioners on yearly basis by issuing receipts and the last settlement was made by receipts dated

31.01.2011 and 12.08.2011, which is also part of Annexure-1 to the writ petition. According to him, before issuance of the aforesaid office order, an opportunity of hearing was not given to the petitioners.

The matter has been contested by the respondents by filing a detailed counter affidavit on behalf of the respondent nos.1 to 6 as also supplementary counter affidavit on their behalf.

After having heard the parties and on consideration of the materials available on the record, this Court finds that it is true that settlement of the lands in question, claimed by the petitioners, was made on yearly basis for a period of nine months and the last settlement was made in the year 2011. From perusal of the aforesaid two receipts, this Court finds that the settlement was for the period of 2010-11 and 2011-12 respectively. Despite repeated query, the learned counsel appearing on behalf of the petitioners has not been able to produce any document to show any legal right of the petitioners over the lands in question. He has also not been able to show that the settlement was still continuing when the impugned office order dated 11.04.2014 was issued.

That being the factual position and the petitioners having no legal right over the lands in question, this Court does not find any good ground to interfere with the impugned office order dated 11.04.2014 (Annexure-2).

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

I.A.No.416 of 2016 also stands accordingly disposed of.

Arvind/-

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(Birendra Prasad Verma, J)