

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13445 of 2015

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1. Sikandar Rai S/o Tanik Rai
2. Hardeo Rai S/o Tanik Rai
3. Kabutari Devi W/o Ram Pratap Paswan
4. Madan Rai S/o Late Sukhdeo Rai
5. Suresh Rai S/o Late Sukhdeo Rai, All resident of village - Lakhanpur (Samastipur) P.O. & Anchal Bhagwanpur, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Land Reforms & Revenue, Patna
2. The Collector, Begusarai
3. The Sub - Divisional officer, Teghra, District - Begusarai
4. The Deputy Collector Land Reforms, Teghra, District - Begusarai
5. The Circle Officer (Anchal - Adhikari) Bhagwanpur, District - Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.

For the Respondent/s : Mr. Shailendra Kumar, AC to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 20-12-2016

Heard.

The petitioners have filed the present writ petition seeking a direction to the respondents not to dispossess them from the lands in question, which were settled in their favour by settlement 'Patta', as contained in Annexure-1 series.

The learned counsel appearing on behalf of the petitioners submits that the petitioners are the landless persons and, therefore, the lands in question were settled in their favour by the Anchal Adhikari, Bhagwanpur. Hence, the respondent authorities be restrained from dispossessing the petitioners from the lands in question.

In this case, a counter-affidavit was filed on behalf of the respondents earlier taking a plea that the lands in question is a



“Gairmajarua Aam land”; therefore, it could not have been settled in favour of the petitioners by the respondent S.D.O. However, this Court, being not satisfied, by order dated 4.10.2016 directed the State counsel to file a supplementary counter-affidavit. In compliance of the aforesaid order dated 4.10.2016, a detailed supplementary counter-affidavit has been filed on behalf of the respondent nos. 2 to 5.

When the matter was last taken up on 29.11.2016, the case was adjourned on the request of the learned counsel appearing on behalf of the petitioners enabling him to file a rejoinder affidavit to the aforesaid supplementary counter-affidavit. However, despite indulgence granted by the order dated 29.11.2016, the rejoinder affidavit has not been filed on behalf of the petitioners till date controverting the averments made in the aforesaid counter-affidavit as also the supplementary counter-affidavit.

The learned State counsel appearing on behalf of the respondents, by referring to the averments made in the aforesaid supplementary counter-affidavit, submits that the lands in question is a “Gairmajarua Aam land” and is used by the common people as a public road. Therefore, a proceeding was initiated by the Circle Officer, Bhagwanpur for cancellation of wrong settlement made in favour of the petitioners. Hence, notices were issued to the petitioners and thereafter, final order has been passed cancelling the wrong settlement made in favour of the petitioners. It is further submitted that since the settlement made in favour of the petitioners has already been cancelled by the competent authority; therefore, the reliefs sought for on behalf of the petitioners in the present writ petition cannot be granted to them.



The learned counsel appearing on behalf of the petitioners has not been able to controvert the submissions made by the learned State counsel and has also not been able to controvert the averments made in the supplementary counter-affidavit that before passing the order of cancellation of settlement, the rules of natural justice has been followed.

In above view of the matter, this Court does not feel persuaded to accede to the prayer made on behalf of the petitioners in the present writ petition.

The writ petition is devoid of merits and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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