

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11531 of 2015

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Yogendra Paswan son of Surajdeo Paswan, resident of Village- Gothauli,
Post- Sonenagar, P.S. Barun, District Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Aurangabad.
3. The Sub Divisional Officer, Aurangabad.
4. The Land Reforms Deputy Collector, Aurangabad.
5. The Anchal Adhikari, Barun, Aurangabad.
6. Rajendra Paswan @ Rajendra Kumar son of Basudeo Ram, resident
of Village- Gothauli, P.O. Sone Nagar, P.S.- Barun, District- Aurangabad.
.... Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Singh, Advocate
Mr. Ranjit Kumar, Advocate

For the Respondent Nos. 1 to 5: Mr. Sumant Kumar Singh, AC to GA 2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 27-09-2016

When the matter has been taken up for consideration, a counter affidavit on behalf of the respondent nos. 2 to 5 is being filed by the learned AC to GA 2, appearing on behalf of the respondent nos. 1 to 5, after service of its copy upon the learned counsel for the petitioner, which is taken on the record.

Heard the parties.

The petitioner has filed the present writ petition seeking a direction to the respondent authorities for settlement of 5 decimals of land of Khata No. 44, appertaining to plot no. 206 of Mauza Gothauli, P.S. and Anchal Barun, District Aurangabad after cancelling the settlement already made in favour of the respondent no.6.

In the counter affidavit filed on behalf of the respondent nos. 2 to 5, the order passed on 27.10.2006 in Settlement Case No. 1 of 2006-07 by the respondent Circle Officer, Baraun has been brought on record. The learned State Counsel, by referring to the averments made in the aforesaid

counter affidavit, submits that for settlement of land in question the petitioner had filed the aforesaid case before the respondent Anchal Adhikari and after consideration of all the materials, the petition filed on behalf of the petitioner was rejected on 27.10.2006, as contained in Annexure-B to the counter affidavit. He further submits that the petitioner has concealed all the material facts, particularly, the aforesaid order dated 27.10.2006 and has filed the present writ petition for the same set of relief without challenging the validity and correctness of the aforesaid order. Therefore, according to him, the writ petition is fit to be dismissed with heavy costs.

As noticed above, a copy of the aforesaid counter affidavit was served upon the learned counsel for the petitioner way back on 10.08.2016, but no rejoinder affidavit has been filed on behalf of the petitioner. The learned counsel for the petitioner is not in a position to dispute the averments made in the aforesaid counter affidavit.

In above view of the matter, this Court is of the opinion that the present writ petition is not only devoid of merit, but it suffers from suppression of material facts. Therefore, this Court was inclined to dismiss the writ petition after imposing costs upon the petitioner for suppression of material facts, but the learned counsel for the petitioner pleaded that the petitioner is very poor person, hence, costs may not be awarded against him.

Taking into consideration the aforesaid submissions as also the entire circumstances of the case, the writ petition is dismissed being devoid of merit, but without costs.

(Birendra Prasad Verma, J)

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