

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1647 of 2012
IN
Civil Writ Jurisdiction Case No. 6237 of 2011**

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Santosh Kumar Jha, S/o Harish Chandra Jha, R/o Village- Bishnapur, Chagma,
P.O.- Bahera, P.S.-Bahera, District- Darbhanga (Bihar)

.... Appellant

Versus

1. The State of Bihar
2. The Principal Secretary Revenue & Land Reforms Department, Government of Bihar, Patna
3. The Divisional Commissioner Darbhanga, District- Darbhanga (Bihar)
4. The District Magistrate, Darbhanga, District- Darbhanga (Bihar)
5. The District Deputy Commissioner-Cum-Land Acquisition Officer, Darbhanga, District- Darbhanga (Bihar)
6. The Land Reforms Deputy Commissioner-Cum-Sub Divisional Officer, Benipur, District- Darbhanga (Bihar)
7. The Circle Officer, Benipur, District- Darbhanga (Bihar)

.... Respondents

with

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**Letters Patent Appeal No. 38 of 2015
IN
Civil Writ Jurisdiction Case No. 5998 of 2007**

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Santosh Kumar Jha, son of Harish Chandra Jha, Resident of village- Bishnapur,
Chaugma, P.O.- Bahera, P.S.- Bahera, District- Darbhanga

.... Appellant

Versus

1. The State of Bihar
2. The District Officer cum District Magistrate, Darbhanga
3. The Anchal Adhikari of Anchal Office, Benipur, P.O. Benipur, P.S. Bahera, District- Darbhanga
4. The Officer-in-Charge, Police Station Bahera, P.O. Bahera, P.S.- Bahera, District- Darbhanga
5. Jageshwar Saday, son of Laxman Saday
6. Bouna Saday, son of Sri Saday
7. Maharaj Saday, son of Sri Saday
8. Madan Saday, son of Late Janak Saday
9. Ram Bahadur Saday, son of Makai Saday
10. Lukhar Saday, son of Makai Saday
11. Chhuthar Saday, son of Bouka Saday
12. Gangaram Saday, son of Dhagum Saday,
13. Madhuri Saday, son of Janak Saday
14. Satan Saday, son of Late Moti Saday, All S. Nos. 5 to 14 of village- Mushhari Basuham, P.O. & P.S.- Bahera, District- Darbhanga

.... Respondents

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Appearance :

(In LPA No. 1647 of 2012)

For the Appellant/s : Mr. Sarva Deo Singh, Advocate.

For the Respondent/s : Mr. Vikas Kumar, A.C. to A.G.

(In LPA No. 38 of 2015)

For the Appellant/s : Mr. Sarva Deo Singh, Advocate.

For the Respondent/s : Mr. M.K. Singh, A.C. to S.C. 6

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 02-03-2016

Heard learned counsel for the appellant and the Respondents.

2. This order shall dispose of L.P.A. 1647 of 2012 (hereinafter referred to as the “first case”) directed against an order dated 16th of August, 2012 passed in C.W.J.C. No. 6237 of 2011 as also L.P.A. No. 38 of 2015 (hereinafter referred to as the “second case”) directed against another order dated 24th of June, 2013 passed in C.W.J.C. No. 5998 of 2007.

3. In the first case, the appellant has prayed for payment of compensation on account of utilization of land and its distribution amongst the persons belonging to landless Scheduled Caste Category, whereas in the second petition, the appellant has prayed that the official respondents be directed to take steps for getting the land, described in the writ application, evicted from Respondent Nos. 5 to 14, the settlees on the land in question.

4. As per the supplementary counter affidavit filed in the first writ petition, it is asserted that on the disputed land, various *Mahadalit* families are residing since 1901 and the allotments in Form G under the Bihar Privileged Persons Homestead Tenancy Act, 1947 were issued in the year 2002. Thus, the persons who were in occupation of the land since long have been given proprietary rights.

5. In view of the said fact, we do not find that the appellant is entitled to any direction in the present proceedings. It is open to the appellant to take recourse to such remedy as may be available to him in accordance with law.

5. The Letters Patent Appeals are, thus, dismissed.

(Hemant Gupta, J)

(Navaniti Prasad Singh, J)

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