

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13030 of 2010

With
Interlocutory Application No. 6119 of 2016

=====

1. Most. Kalwatiya Devi W/O Late Fagu Das, R/O Vill.-Sasundanpur, P.S.-Asarganj, Dist.-Munger.
2;. Most. Urmila Devi W/o Late Charitra Das, R/O Vill.-Sasundanpur, P.S.-Asarganj, Dist.-Munger.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector Munger Dist.-Munger.
2. The Sub-Divisional Officer, Tarapur.
3. The Superintendent of Police, Munger.
4. The Circle Officer, Asarganj, P.S.-Asarganj, Dist.-Munger.
5. Pramod Das S/O Bideshi Das R/O Vill.-Masudanpur, P.S.-Asarganj, Dist.-Munger.
6. Hemant Das S/O Bideshi Das R/O Vill.-Masudanpur, P.S.-Asarganj, Dist.-Munger.
7. Rajesh Das S/O Sipal Das R/O Vill.-Masudanpur, P.S.-Asarganj, Dist.-Munger.
8. Naresh Das S/o Late Matru Das, R/o Village Masudanpur, P.S. Asarganj, District Munger

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate

For the Respondent Nos. 1 to 4 : Mr. Anant Prasad Singh, SC 15

Mr. Avinash Kumar, AC to SC 15

For the Respondent Nos. 5 to 8 : Mr. Diwakar Prasad Karn, Advocate

Mr. Chandra Shekhar Anand, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

7 02-08-2016

Re: I.A.No.6119 of 2016

The instant Interlocutory Application has been filed on behalf of the heirs of the deceased petitioner no.1 Most. Kalwatiya Devi stating therein that the petitioner no.1 died on 12.04.2016 leaving behind the applicants Mohan Das and Sohan Das as her heirs and legal representatives, fully detailed in paragraph no.4 of the instant Interlocutory Application.

The learned counsel appearing on behalf of the petitioners submits that the heirs and legal representatives of

petitioner no.1 may be substituted after expunging the name of petitioner no.1.

The learned counsel appearing on behalf of the respondents do not raise any objection to the prayer for substitution made on behalf of the petitioners in the instant Interlocutory Application.

In the aforesaid facts and circumstances, the prayer for substitution is allowed.

Let the name of deceased petitioner no.1 Most. Kalawatiya Devi be expunged from array of the parties of the main writ petition and she be substituted by her heirs and legal representatives, fully detailed in paragraph no.4 of the instant Interlocutory Application.

The present Interlocutory Application stands finally disposed of with the observations and directions made above.

Re: CWJC No. 13030 of 2010

With the consent of the parties, the main writ petition has been taken up for consideration on merits.

The entire claims raised on behalf of the petitioners against the settlement of certain plots of lands in favour of the private respondent nos. 5 to 8 are based on disputed question of facts. The grievance of the petitioners is that respondent nos. 5 to 8 have wrongly been settled the lands in question without following any procedure prescribed under the law. Therefore, the order of settlement may be quashed. In the whole writ petition order of settlement has not been brought on the record. It is contended that the petitioners also belong to the scheduled caste. Therefore, they are also entitled to settlement of certain plots of lands.



In the present case, a counter affidavit was filed on behalf of the respondent nos. 1, 2 and 4. Today , a supplementary counter affidavit has also been filed on behalf of the respondent nos. 1 to 3 wherein it has been stated that in the light of policy decision of the State Government dated 02.08.2011, 3 decimals of land to each of the private respondents has been settled for construction of their homes as they belong to the scheduled caste. According to them, the petitioners are alleged to have committed certain forgery with some documents. It is further stated that the private respondents are landless persons; therefore, decision has been taken for settlement of 3 decimals of land in favour of each of the private respondents.

In above view of the matter, the writ petition has to fail and is, accordingly, dismissed. However, the petitioners, if so advised, may approach the appropriate authority for settlement of some land in their favour. If such a petition is filed, the same shall be considered and disposed of by the authority concerned in accordance with law.

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--