

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8863 of 2011

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Arjun Prasad Son Of Kedra Prasad Sah Resident Of Mohalla - Kali Bagh,
Near Ramjanki Mandir, Police Station - Bettiah Town, District - West
Champaran

.... Petitioner

Versus

1. The State Of Bihar Through Chief Secretary, Govt. Of Bihar, Patna
2. The Principal Secretary, Department Of Land Revenue And Reforms,
Govt. Of Bihar, Patna
3. The District Magistrate, West Champaran At Bettiah
4. The Additional Collector, West Champaran At Bettiah
5. The Superintendent Of Police, West Champaran At Bettiah
6. The Deputy Collector Land Reforms, Bettiah, West Champaran
7. The Sub Divisional Magistrate, Bettiah Sadar West Champaran
8. The Block Development Officer, Chanpatia Block, West Champaran
9. The Circle Officer, Chanpatia Block, West Champaran
10. The Officer-In-Charge, Manuapul Police Station, Bettiah, West
Champaran
11. Ramashish Ram Son Of Anwat Mahto Resident Of Village - Tunia
Bishunpur, P.S.- Manuapul, District - West Champaran
12. Munna Ram Son Of Ramasish Ram Resident Of Village - Tunia
Bishunpur, P.S.- Manuapul, District - West Champaran
13. Ram Chandra Hazra Son Of Jang Bahadur Ram Resident Of Village -
Tunia Bishunpur, P.S.- Manuapul, District - West Champaran
14. Samsuddin Dhobi Son Of Noor Mohammad Resident Of Village - Tunia
Bishunpur, P.S.- Manuapul, District - West Champaran
15. Jagdeo Manjhi Son Of Nakchhed Manjhi Resident Of Village - Tunia
Bishunpur, P.S.- Manuapul, District - West Champaran
16. Rampal Paswan @ Hazra Son Of Lakhan Hazra Resident Of Village -
Tunia Bishunpur, P.S.- Manuapul, District - West Champaran
17. Tebl Paswan @ Hazra Son Of Gau Hazra Resident Of Village - Tunia
Bishunpur, P.S.- Manuapul, District - West Champaran
18. Mukhi Manjhi Son Of Bharat Manjhi Resident Of Village - Tunia
Bishunpur, P.S.- Manuapul, District - West Champaran
19. Jhagru Manjhi Son Of Akalu Manjhi Resident Of Village - Tunia
Bishunpur, P.S.- Manuapul, District - West Champaran
20. Rajesh Manjhi Son Of Sahdeo Manjhi Resident Of Village - Tunia
Bishunpur, P.S.- Manuapul, District - West Champaran
21. Banu Manjhi Son Of Tapasi Manjhi Resident Of Village - Tunia
Bishunpur, P.S.- Manuapul, District - West Champaran
22. Chanar Hazra @ Manjhi Son Of Khedu Hazra Resident Of Village -
Tunia Bishunpur, P.S.- Manuapul, District - West Champaran
23. Dhodha Manjhi Son Of Mahadeo Manjhi Resident Of Village - Tunia
Bishunpur, P.S.- Manuapul, District - West Champaran
24. Alagu Sah Son Of Sukharam Turha Resident Of Village - Tunia
Bishunpur, P.S.- Manuapul, District - West Champaran
25. Bhuti Manjhi Son Of Rajju Manjhi Resident Of Village - Tunia
Bishunpur, P.S.- Manuapul, District - West Champaran
26. Bhola Manjhi Son Of Nathu Manjhi Resident Of Village - Tunia

Bishunpur, P.S.- Manuapul, District - West Champaran
 27. Faguni Hazra Son Of Late Langatu Hazra Resident Of Village - Tunia Bishunpur, P.S.- Manuapul, District - West Champaran
 28. Asarfi Manjhi @ Afat Manjhi Son Of Bharat Manjhi Resident Of Village - Tunia Bishunpur, P.S.- Manuapul, District - West Champaran
 29. Kari Dom Son Of Sona Dom Resident Of Village - Tunia Bishunpur, P.S.- Manuapul, District - West Champaran
 30. Serajul Baitha Son Of Gafoor Mian Resident Of Village - Tunia Bishunpur, P.S.- Manuapul, District - West Champaran
 31. Doma Manjhi Son Of Aafat Manjhi Resident Of Village - Tunia Bishunpur, P.S.- Manuapul, District - West Champaran
 32. Mana Manjhi Son Of Nathuni Manjhi Resident Of Village - Tunia Bishunpur, P.S.- Manuapul, District - West Champaran
 33. Mohan Hazra Son Of Not Known Resident Of Village - Tunia Bishunpur, P.S.- Manuapul, District - West Champaran
 34. Kishun Manjhi Son Of Rajju Manjhi Resident Of Village - Tunia Bishunpur, P.S.- Manuapul, District - West Champaran
 35. Merajul Dhobi Son Of Late Gaffur Baitha Resident Of Village - Tunia Bishunpur, P.S.- Manuapul, District - West Champaran

.... Respondents

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Appearance :

For the Petitioner : Mr. Siya Ram Shahi, Advocate
 For the State : Mr. Ajit Pratap Singh, SC 15
 For Respondent No. 3: Mr. Lokesh Kumar Singh, Advocate
 For Private Respondents: Mr. Sanjeev Kumar Shrivastava, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

13 24-02-2016 Heard the parties.

Through this writ application, the petitioner seeks direction to the respondents for restitution of his land which was acquired by the State earlier under the Bihar Land Reforms(Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961. The lands were being occupied by the private respondents, therefore, it could not be handed over to the petitioner. During the pendency of the writ petition, affidavits were filed—one by the Collector of the district himself taking



stand that he has taken all steps for removal of encroachment over those lands so that possession of the lands could be delivered in favour of the petitioner, however, due to this reason or that reason, it was delayed. Lastly, the District Magistrate vide order dated 10.02.2016 was directed to appear before this Court in person to explain as to why even after undertaking given by him he has not been able to remove the encroachment and deliver possession in favour of the petitioner.

Today, the District Magistrate, West Champaran at Bettiah, is present and has informed this Court that delivery of possession has already been effected in favour of the petitioner.

This Court has full appreciation for that as the District Magistrate has submitted that such persons who were landless and were occupying the lands, have already been provided alternative homestead lands of an area of 3 decimals each.

However, learned counsel appearing on behalf of the private respondents submits that they are the *purcha*-holders and they were not provided any alternative land. Learned counsel for the private respondents has not been able to show as to why the lands concerned should not be restored to the petitioner even after finding its acquisition as surplus land to be incorrect and also as

to how, in such a situation, cancellation of their *purcha* was wrong.

In above view of the matter, this writ application is being disposed of with a liberty to the District Magistrate, West Champaran at Bettiah, to look into the matter of the private respondents and, if it is possible under the State Policy then to consider the matter of settlement of alternative lands in their favour also in accordance with law in case the same has been done with respect to other persons. This order will not come in the way of the aforesaid effort.

Personal appearance of the District Magistrate, West Champaran at Bettiah, is dispensed with.

(Dr. Ravi Ranjan, J.)

SC/-

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