

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6677 of 2015

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1. Tileshwari Devi, W/o- Dhaneshwar Dusadh
2. Rajendra Ram, Son of Saryu Ram Dusadh
3. Bishambhar Seth, Son of Jangli Sonar
4. Raj Kumar Dushadh, Son of Ram Jee Dusadh
All are resident of village- Rajpur, P.S. Rajpur, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue, Govt. of Bihar, Patna.
2. The Collector, Sasaram, Rohtas.
3. The Circle Officer, Rajpur, Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.
For the Respondent/s : Mr. A. Kundu, SC-24
Mr. Pritish Kumar Lal, AC to SC-24

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 27-09-2016 Heard the parties.

The grievance of the petitioners in the present writ petition is that, though the lands in question was settled in their favour by an order passed in Homestead Settlement Case No.40 of 1983-84/9 of 1984-85 by the competent revenue authority, but the possession over the same is not being given to them.

In the present case, a detailed counter affidavit has been filed on behalf of the respondent nos.2 and 3, wherein a plea has been taken on behalf of the respondents that the settlement in favour of the petitioners was wrongly made; therefore, the same was cancelled by the competent authority by an order dated 18.11.1992 jointly passed by the S.D.O., Bikramganj as also the D.C.L.R., Bikramganj, as contained in Annexure-B to the aforesaid counter affidavit.

The facts pleaded in the aforesaid counter affidavit

have not been controverted by the petitioners, though a copy of the aforesaid counter affidavit was served upon the learned counsel for the petitioners earlier.

In above view of the matter, the reliefs sought for on behalf of the petitioners in the present writ petition cannot be granted in the present proceeding, since the settlement made in their favour has already been cancelled. However, the petitioners, if at all, are aggrieved, they shall be at liberty to assail the validity and correctness of the order of cancellation of their settlement before an appropriate forum/authority/court.

The writ petition stands dismissed with the observations made above.

(Birendra Prasad Verma, J)

Arvind/-

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