

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3837 of 2008**

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1. Shivanand Paswan, son of late Dhuri Lal Paswan  
2. Prem Lal Paswan, son of Mayanand Paswan  
3. Bharru Paswan, son of late Gulami Paswan  
All are resident of village-Madanpur, P.S.-Araria, District-Araria.  
..... Petitioner/s

Versus

1. The State of Bihar  
2. The Collector, Araria.  
3. The Additional Collector, Araria.  
4. The Sub-Divisional Officer, Araria.  
5. The Land Reforms Deputy Collector, Araria.  
6. The Anchal Adhikari, Araria.  
7. Chandan Kumar Paswan, son of Ramoo Paswan, resident of village-Madanpur, Tola Kanain, P.S. Araria, District-Araria.  
..... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.  
Mr.Vijay Kishore Bharti.  
For the Respondent nos.1to6 : Mr. Amish Kumar, AC to AAG-14.  
For the Respondent no.7 : None

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

5      17-03-2016                      Heard learned counsel for the petitioners and learned AC to AAG-14 appearing on behalf of the respondent nos.1 to 6. However, despite repeated calls, none is appearing on behalf of the respondent no.7, though the name of his counsel is printed in the daily cause list and a counter affidavit on his behalf has also been filed.

The petitioners are aggrieved by the order dated 17.12.2007 passed in Land Settlement Appeal Case No.5 of 2006-07/2 of 2007-08 by the respondent Additional Collector, Araria, as contained in Annexure-1 to the writ petition, whereby the aforesaid appeal preferred on behalf of the respondent no.7 has been allowed and the order passed by the respondent Circle Officer, Araria (respondent no.6) in Land Settlement Case No.1 of 2005-06 has been set aside.



From the materials available on the record, it is apparent that the petitioners as also the respondent no.7 belong to the scheduled caste and all of them appear to be poor persons. From the findings recorded by the respondent Additional Collector, Araria, it further appears that the lands in question of plot no.4951 area 90 decimals was earlier settled in favour of the private respondent no.7 on the basis of the order passed in Settlement Case No.22 of 1998-99 and as per the case of the respondent no.7, he has been coming in possession over the lands in question. After the aforesaid order of settlement, petitioners appear to have filed another Settlement Case No.1 of 2005-06 before the respondent Anchal Adhikari, in which the respondent Circle Officer, Araria ignoring the previous order of settlement, directed for settlement of lands in question in favour of the petitioners. Parcha/Parwana, so issued in favour of the petitioners, has not been brought on record either by the petitioners or by the respondent nos.1 to 6.

As notice above, though none is appearing on behalf of the respondent no.7, but a counter affidavit filed on behalf of the respondent no.7 is available on the record. In the aforesaid counter affidavit, Parwana issued in favour of the respondent no.7 in the year 1999 has been brought on record as Annexure-1 to the aforesaid counter affidavit. No rejoinder affidavit has been filed on behalf of the petitioners to the aforesaid counter affidavit controverting the averments made in the aforesaid counter affidavit.

Learned counsel appearing on behalf of the petitioners, while arguing the matter, has referred to the document, as contained in Annexure-3 to the writ petition, which is an enquiry report. However, despite repeated query, he has not been

able to point out that under which provision of law petition was filed on behalf of the petitioners before the respondent Anchal Adhikari, Araria for settlement of lands in question particularly in the background that the lands in question had already been settled in favour of the respondent no.7. He has simply raised the disputed issues of facts, but has not been able to point out either any procedural error or legal infirmity in the order impugned.

Learned AC to AAG-14 appearing on behalf of the respondent nos.1 to 6 has supported the impugned order. According to him, the impugned appellate order cannot be legally faulted.

After having heard the parties and on consideration of the materials available on the record, this Court does not find any good ground to interfere with the impugned appellate order dated 17.12.2007 passed in Land Settlement Appeal Case No. 5 of 2006-07/2 of 2007-08 by the respondent Additional Collector, Araria, as contained in Annexure-1, particularly in the background that both the contesting parties belong to the weaker section of the society, and are members of the scheduled caste and further in the background that the learned counsel appearing on behalf of the petitioners has not been able to point out any legal infirmity or the procedural error committed while passing the impugned appellate order.

The writ petition is devoid of merits and is, accordingly, dismissed. However, there shall be no order as to costs.

Arvind/-

**(Birendra Prasad Verma, J)**

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