

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12465 of 2013

Uma Shankar Choudhary S/o Shri Ram Dular Choudhary resident of village Sarasher, P.O. Khundru P.S. Dinara, Tahsil Sasaram, Dist. Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector-cum District Magistrate, Rohtas at Sasaram
3. The Sub Divisional Officer, Sasaram
4. The Deputy Collector, Land Reforms, Sasaram
5. The Circle Officer, Kochas, Sasaram.
6. The Superintendent of Police Rohtas at Sasaram
7. The Officer-in-charge, Dinara Police Station- Dinara, Sasaram.

.... Respondent/s

Appearance :

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

For the Respondent/s : Mr. Kunal Tiwari, AC to GA-3.

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR

MANDAL

ORAL ORDER

6 03-05-2016 Heard Mr. Pandey for the petitioner and Mr. Kunal Tiwari AC to GA-3 for the State.

While employed in the armed force, the petitioner is said to have applied for allotment/settlement of piece of land for construction of his house/building at his native place.

Diverse papers have been shown which indicate that application was filed and a kind of enquiry was made at the lower level inasmuch as the Circle Officer recommended for settlement of the land in favour of the petitioner. Such claim of the petitioner stems from the circular issued from the Govt. of Bihar, Department of Revenue and Land Reforms issued in 1982 (Annexure-5). This, however, has been modified by the

Government by another circular issued in the year 1990, copy whereof is enclosed along with the counter affidavit as Annexure-C. The claim of the petitioner is, therefore required to be examined/considered in the light of those two circulars of the Government.

Grievance of the petitioner is that several years have lapsed but the respondents have not considered his claim for settlement of the Government waste land. It is stated that as per the circular(s) of the Government, the District Magistrate of the District has to decide the claim of the petitioner.

From the Counter affidavit, it appears diverse objections have been raised but the fact of the matter is that till date his claim has remained undisposed of by the authority. There is agreement at Bar that the District Magistrate is the authority to decide the claim of the petitioner in accordance with the provisions contained in the two Circulars of the Government and further no right vests in the eligible applicant to claim a particular piece of land.

This Court would purposely not record in detail the case of the petitioners as well as the respondents leaving it open to the respondent- District Magistrate to make an appropriate enquiry and take a decision on the claim of the petitioner in

accordance with law. To enable the respondent- District Magistrate to examine/consider the grievance of the petitioner the Court grants/permits the petitioner to file a fresh application along with all papers in his possession before the District Magistrate. If he does so within four weeks, the respondent- District Magistrate shall consider /examine the said application of the petitioner and take appropriate decision in accordance with law as quickly as possible preferably within two months from the date of such filing.

(Kishore Kumar Mandal, J)

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