

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22385 of 2013

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1. Priya Ranjan Kumar S/O Shri Krishna Mohan Prasad Resident Of
Gopkita, P.S- Pandarak, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Patna.
4. The Sub-Divisional Magistrate, Barh, Patna.
5. The Sub-Divisional Officer, Barh, Dist. Patna.
6. The Circle Officer Barh
7. The Nazir, Sub-Divisional Officer, Barh, Patna.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Ms. Shail Kumari, Advocate.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 01-07-2016 Heard the counsel for the petitioner and AC to SC-15

for the State.

A counter affidavit on behalf of the respondent nos.

4 and 5 is filed.

Petitioner is aggrieved by the decision of the
respondent State to settle the land in Mouza- Mekra Janjira Diyara
of the description stated in para 1 (a) of the writ application by
open bid. Such settlement was directed to be made for the year
2013-14.

Indisputably from Annexure-1, it appears that
settlement for the period December, 2012 to December, 2013 of



the subject land was made in favour of the petitioner. He was found to have offered the highest amount. Be it noted, that on two previous occasions, the auction for the land in-question had failed owing to diverse reasons. It further appears that the respondents also while issuing parwana for the said period in favour of the petitioner had observed that for the next year it can be settled with the petitioner on depositing 10% of the settlement amount of the previous year in addition. The respondents subsequently opted for settlement of subject land by open bid. A proceeding in this regard was initiated by the Sub Divisional Officer wherein the petitioner appeared and made a claim for settlement of the subject land for the period 2013-14 on payment of a sum of Rs. $(95,000+9,500)= 1,04,500/-$. Considering the revenue interest of the State Government, the same was declined and it was decided to settle the subject land for the period in-question by open bid. The relevant order passed in this regard by the Sub Divisional Officer is Annexure A to the counter affidavit.

At least for more than one reasons the application merits to be dismissed. Firstly, the period for which the respondents decided to take steps for settlement of the land is over. Secondly, the petitioner had objected to such step by the respondent State in the proceeding before the Sub Divisional

Officer which was turned down on 18.10.2013 (Annexure-B).
The said order has not been challenged in the writ petition.

In the aforesaid setting of facts, in my view, no relief
can be granted to the petitioner. The writ application is dismissed.

(Kishore Kumar Mandal, J)

Shyam/-

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