

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11217 of 2007

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Gudar, Singh son of Late Veera Singh, resident of village Kotwa, P.S.Kotwa,
District East Champaran (Motihari)

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, East Champaran (Motihari)
3. The Additional Collector, East Champaran (Motihari)
4. The Deputy Collector, Land Reforms, East Champaran (Motihari)
5. The Circle Officer, Kotwa, East Champaran (Motihari)
6. The Circle Inspector, Kotwa, Anchal East Champaran (Motihari)
7. Braj Nandan Singh son of Sri Dilip Narayn Singh, resident of village Kotwa,
P.S.Kotwa, District East Champaran (Motihari)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate
Mr.Sanjeev Kumar, Advocate

For the Respondent Nos. 1 to 6: Mr. Ujjawal Kumar Sinha, AC to AAG XI

For the Respondent no.7 : Mr. Virendra Kuar, Advocate
Mr.Jagdish Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 11-07-2016

Heard the parties.

2. The petitioner is aggrieved by the order dated 12.07.2007 passed in Revenue Appeal Case No. 8 of 2006-07 by the respondent Additional Collector, East Champaran, Motihari, as contained in Annexure-7 to the writ petition, whereby the aforesaid appeal filed on behalf of the respondent no.7 has been allowed and the Circle Officer, Kotwa has been directed to place the record before the District Collector, East Champaran, Motihari for his approval for settlement of 1.38 acres of land in favour of the respondent no.7, being the ex-Army man..

3. The dispute relates with respect to a parcel of lands bearing khata no. 516 appertaining to plot no. 3255 total area being 3.21 acres of land which has been recorded in the survey khatiya as

Gairmazarua (Mokaridar) Malik. As per finding recorded by the respondent Additional Collector, East Champaran, Motihari the land in question belongs to the State of Bihar.

4. It is not in dispute that one Mukti Nath Singh, brother of the petitioner, being the Ex-Army man, has been allotted one acre of land from the lands in question by the State authorities. 78 decimals of land has been earmarked for cremation ground. The respondent no.7, also being an Ex-Army man, claimed for settlement of remaining area of land, out of the lands in question. The petitioner has not challenged the settlement of land made in favour of his own brother on the ground that he was an Ex-Army man. However, he resisting the claim of the respondent no.7 on the ground that remaining area of land should be settled in favour of the wife of aforesaid Mukti Nath Singh, in whose favour Circle Officer had made recommendation, but the aforesaid proposal was not accepted by the Collector and the matter was remitted back for fresh decision. By the impugned order, the respondent Additional Collector, East Champaran, Motihari has taken into account that one acre of land has already been settled in favour of Mukti Nath Singh, brother of the petitioner, on the ground of Ex-Army man. Therefore, settlement of remaining area of land, except 78 decimals which was earmarked for cremation ground, has been directed to be made in favour of the respondent no.7.

5. Though, the learned counsel appearing on behalf of the petitioner has argued the matter for some time, but he has not been able to show any legal right over the lands in question for resisting the order of settlement made in favour of the private respondent no.7. The only plea taken by him is that a Title Suit has been filed by the petitioner. Apparently, the petitioner has no locus to challenge the

order of settlement made in favour of the respondent no.7.

6. In above view of the matter, this Court does not feel persuaded to interfere with the impugned order dated 12.07.2007 passed in Revenue Appeal Case No. 8 of 2006-07 by the respondent Additional Collector, East Champaran, Motihari (Annexure-7).

7. The writ petition is devoid of merit and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

Tahir/-

AFR/NAFR	
CAV DATE	
Uploading Date	12.07.2016
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