

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1572 of 2012

IN

Civil Writ Jurisdiction Case No. 10258 of 2012

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1. Vishwanath Mahto, son of Late Budhan Mahto resident of village and Post - Mehajpura, P.S. - Bikram, District - Patna
 2. Akashpari Devi wife of Ramnath Paswan resident of village - Chhoti Tengraila, P.S. - Naubatpur, District - Patna
 3. Mithilesh Sharma, son of Late Kamla Singh, resident of village - Narayanpur, P.S. - Naubatpur, District - Patna
 4. Lalbihari Mochi, son of Late Budhu Mochi, resident of village - Nisarpura, P.S. - Naubatpur, District - Patna
 5. Yashoda Devi Wife of Girijan Paswan resident of village - Faridpura, P.S. - Naubatpur, District - Patna
 6. Deopari Devi Wife of Shivjatan Prasad resident of village - Daryapur Tola, P.S. - Naubatpur, District - Patna
 7. Wajir Alam Son of Late Somarunnisha resident of village - Nisarpura, P.S. - Naubatpur, District - Patna
 8. Neelam Devi Wife of Narendra Kumar Sinha resident of village - Nisarpura, P.S. - Naubatpur, District - Patna
 9. Meghnath Mahto son of Budhan Mahto resident of village - Mahajpura, P.S. - Bikram, District - Patna
 10. Lalan Bind, son of Jagdish Bind resident of village - Mahajpura, P.S. - Bikram, District - Patna
 11. Kirtan Mahto, son of Meghnath Mahto resident of village - Mahajpura, P.S. - Bikram, District - Patna
 12. Pramila Devi wife of late Anup Mistri resident of village - Mahajpura, P.S. - Bikram, District - Patna
 13. Rajkumari Devi, wife of Degree Paswan, resident of village - Faridpura, P.S. - Naubatpur, District - Patna

.... Appellants

Versus

1. The State of Bihar , through the Chief Secretary, Government of Bihar, Patna
2. The Principle Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Deputy Secretary, Water Resources Department, Government of Bihar, Patna
4. The Chief Engineer, Water Resources Department, Government of Bihar, Patna
5. The Superintending Engineer, Ganga Sone Flood Protection Circle, Patna
6. The Executive Engineer, Sone Canal Division, Khagaul, Patna.

.... Respondents

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Appearance :

For the Appellants : Mr. Amaresh Kumar Sinha, Advocate
Mr. Kuldeep Sahay, Advocate

For the Respondents : Mr. Anjani Kumar, AAG-6, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 22-02-2016



A counter affidavit has been filed on behalf of the respondent no. 2, Principal Secretary, Water Resources Department, Government of Bihar, Patna, sworn by the Executive Engineer, Sone Canal Division, Khagaul, wherein the Rules being Bihar Canal Chat/Land Settlement Rules, 2016, have been annexed. That is not only a policy statement but now in the form of statutory Rule for the purposes of settlement of chat lands. This Court is not called upon to determine the validity or otherwise of the said Rules. This Court is, thus, not going into the said controversy. Court would only notice that there appears to be a typing mistake in Rule 4(1) of the Rules, which needs to be corrected.

In our view, Rule 4(1) means that, a person would not be entitled to get the settlement renewed for a further period of three years. This can only happen if there are no other eligible persons claiming settlement. If, there are any other eligible persons, then renewal is not permissible.

So far as this appeal is concerned, in view of

these Rules, we do not consider it proper to proceed further in the matter. It would be open to the appellant to apply to the authorities for settlement under the new Rules, who would deal with it in accordance with law expeditiously. Steps for settlement have to be taken expeditiously as the settlement start from 1st of April. We may clarify to avoid any further litigation that any past settlee who has sown and have standing the crops would be allowed to harvest the same. Steps must be taken to finalize the settlement well before 1st of April, 2016.

This appeal is, accordingly, disposed of.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

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