

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.658 of 2016

In
Civil Writ Jurisdiction Case No.1222 of 2012

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Arbind Kumar Singh son of Binda Singh, resident of Village- Jhakhara,
Police Station Govingnj, District- East Champaran.

... .. Appellant

Versus

1. The State of Bihar.
2. The District Magistrate, East Champaran.
3. The Deputy Collector, Land Reforms, East Champaran.
4. The Circle Officer, Areraj, East Champaran.

... .. Respondents

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Appearance :

For the Appellant/s : Mrs. Mahasweta Chatterjee, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 15-11-2017

Heard learned counsel for the appellant and learned counsel
representing the State.

The appellant being aggrieved by the order dated 08.03.2016
passed in C.W.J.C. No. 1222 of 2012 rejecting his writ application
for a direction to the revenue authorities of the State to settle the
piece of land bearing Plot No.1252 under Khata No.120 moved in
appeal.

Learned counsel for the appellant has attempted to impress
upon us that the nature of the land in question has already changed
and to that effect a number of documents have been brought on the



record with the writ application, therefore, the learned single Judge should not have shown any hesitation in issuing a direction to the Circle Officer, Areraj in the district of East Champaran to consider the request of the petitioner to settle the land in his favour.

On the other hand, learned counsel representing the State submits that the scope of judicial review under Article 226 of the Constitution of India cannot be extended to the extent it is being sought on behalf of the petitioner-appellant. The State submits that the land in question is a pokhar/sairat which cannot be settled, therefore, in a case where there is a specific stand of the State that the land is in the nature of a sairat, a writ Court would not delve into the facts and shall make an enquiry into the nature of the land and based on that no direction can be issued for settlement.

Learned counsel for the appellant referring to paragraph 6 of the settlement made in the rejoinder to the counter affidavit filed in the writ application has drawn out attention to a fact that earlier three decimals of land has been settled on auction basis with Narsing Sahni and Chander Sahni and then in paragraph 8 a further statement has been made that two more persons, Paras Paswan and Mohan Paswan, have constructed their residential house over the plots settled with them and till this day they are residing there without any disturbance.



We are of the considered opinion that in the present writ application, we are not going to examine the settlements which have been made earlier as alleged by the petitioner, whether those are legal and valid settlements or in the nature of encroachments are the matters which may best be considered by the revenue authorities and not this Court at this stage. The kind of reliefs prayed by the petitioner cannot be granted as the petitioner has no legal right for seeking a writ of mandamus in the facts of this case.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	N.A.F.R.
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