

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1954 of 2016

In
Civil Writ Jurisdiction Case No.23232 of 2011

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1. Ram Chandra Ram son of Sri Hari Kishan Ram resident of Village- Dharmaghat, Parasi, P.s.- Karakat, Gorai, District- Rohtas.
 2. Ram Rup Ram son of Late Gyan Chand Ram resident of Village- Dharmaghat, Parasi, P.s.- Karakat, Gorai, District- Rohtas.
 3. Sudama Ram son of Late Kuldeep Ram resident of Village- Chilha, Parasi, P.s.- Karakat, Gorai, District- Rohtas.
 4. Suresh Kumar Gupta son of Sri Hira Sah resident of Village- Dharmaghat, Parasi, P.s.- Karakat, Gorai, District- Rohtas.
 5. Lalan Ram son of Late Shiv Pujan Ram resident of Village- Karup, Parasi, P.s.- Karakat, Gorai, District- Rohtas.
 6. Mandodari Dev wife of Sri Hari Narayan Ram resident of Village- Gorakh, Parasi, P.s.- Karakat, Gorai, District- Rohtas.
 7. Shiv Kumar Ram Son of Late Ram Badan Singh resident of Village- Chilha, Parasi, P.s.- Karakat, Gorai, District- Rohtas.
 8. Kalim Mansuri son of Late Sheikh Md. Sarif resident of Village- Dharmaghat, Parasi, P.s.- Karakat, Gorai, District- Rohtas.
 9. Jai Muni Tewari son of Late Bhardul Tewari resident of Village- Karup, P.s.- Karakat, Gorai, District- Rohtas.
 10. Bhago Kunwar wife of Late Kailash Singh Kushwaha resident of Village- Karup, P.s.- Karakat, Gorai, District- Rohtas.
 11. Awadhesh Kanu son of Late Shakhi Kanu resident of Village- Jama, P.s.- Karakat, Gorai, District- Rohtas.
 12. Algu Ram son of Late Dukhi Ram resident of Village- Karup, P.s.- Karakat, Gorai, District- Rohtas.
 13. Bhaiya Ram Singh son of Late Musa Ram Singh resident of Village- Dharmaghat, Parasi, P.s.- Karakat, Gorai, District- Rohtas.
 14. Lal Mohar Ram son of Late Nahak Ram resident of Village- Bad, P.s.- Karakat, Gorai, District- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Superintendent Engineer, Sone Nahar Sub Division, Nasariganj, Rohtas. null null
4. The Executive Engineer, Sone Nahar Sub Division, Nasriganj, Rohtas.
5. The Sub Divisional Officer, Sone Nahar Sub Division, Nasariganj, Rohtas.
6. The Block Development Officer, Karakat, District- Rohtas.
7. The Circle Officer, Karakat, District- Rohtas.
8. The Mukhiya Karup Panchayat, Karakat, District- Rohtas.
9. The Mukhiya, Jaishree Panchayat, Karakat, District- Rohtas.
10. The Mukhiya, Gorari Panchayat, District- Rohtas.
11. Son Kesari wife of Late Dular Ram resident of Village- Karup, P.s.- Karakat, Gorai, District- Rohtas.



12. Jai Nath Tiwary son of Late Hardul Tiwari resident of Village- Karup, P.s.- Karakat, Gorai, District- Rohtas.
13. Suraj Mehta Kunwar wife of Late Gajadhar Haram resident of Village- Karup, P.s.- Karakat, Gorai, District- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Mahasweta Chatterjee
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 15-12-2017

Delay of 106 days in preferring the appeal is condoned. I.A. No.6191 of 2017 is allowed. The appeal is thereafter taken up on merits.

The impugned order is dated 03.05.2016 passed by the learned Single Judge. The writ application has been dismissed. The learned Single Judge concluded as under for the reason of dismissal of the writ application.

“ As stated, the rule- provision which now governs such settlement of the canal chart/ land provides for settlement of the land by inviting application and draw of lots. It specifically provides for settlement of the canal chart/ land for a period of 03 years and further that once a person is granted the State largesse, he shall not be eligible for such privilege on the second occasion immediately. This



Court is of the considered view that the respondent(s) are obliged to settle the chat land of the Irrigation Department strictly in accordance with the Rules framed by the State Government. If the petitioner falls in the category of eligible persons they may apply and compete with others in accord with the Rules. On the basis of Annexure- 2 to 12 of the writ petition, they cannot be accepted as the permanent settlee(s) of the canal chat/ land of the Irrigation Department.”

There is no concept and there is no occasion for any irrigation SDO to settle the chat land of the Sone Canal on a permanent basis. Even according to the earlier rules and the present rule in existence such settlement is required to be made for a fixed period only, therefore, obviously what is being claimed by the appellants is a farce, which has been played out. The learned Single Judge having seen through the game has rightly dismissed the writ application.

The appeal has no merit and it is dismissed.

The respondent authorities are free to remove these appellants, who are in possession on the basis of the so called permanent settlement made in their favour. Such removal should be effected within four weeks from the date of production/ communication of a copy of this order.



A copy of this order will be marked to the District Magistrate,
Rohtas for implementation of the direction.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.12.2017
Transmission Date	NA

