

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11687 of 2015

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Md. Rabban S/o Late Md. Zahoor, resident of Hasanpur Bagar, P.S.- Nao- Kothi,
Circle- Nao- Kothi, Sub-Division- Bakhri, Distt- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar represented through the Chief Secretary, Govt. of Bihar,
Patna
2. The Collector, Begusarai
3. The Addl. Collector, Begusarai
4. The Sub-Divisional Magistrate, Bakhri, Distt- Begusarai
5. The Land Reforms Dy- Collector, Bakhri, Distt- Begusarai
6. The Circle officer, Nao-Kothi, Sub-Division- Bakhri, Dist- Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Prasad Singh, Advocate
For the Respondent/s : Mr. Roy Shivajee Nath, AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 24-04-2017

This petition has been filed in public interest and petitioner wants a *mandamus* to be issued restraining the respondents from issuing Basgit Parcha in favour of certain persons belonging to Maha Dalit community after settlement of their existing survey which is a pucca road of a public land situated in Mouza Hasanpur Bazar, Thana No.178, Tauzi No.657, S.P. No.1524, Circle Nao- Kothi, Sub-Division- Bakhri, district-



Begusarai.

2. It is the case of the petitioner, a public spirited person, that the road in question is a pucca road situated in a public land and by settling the land in favour of Maha Dalit community, the State Government is utilizing the land and giving it to unauthorized persons misusing its power available.

3. In the counter affidavit filed, respondents say that a policy decision has been taken by the State Government for grant of land to persons of Maha Dalit community in the District in question, namely, Begusarai and for the said purpose, land bearing survey plot No.1524 which is recorded as a Gair Mazarua Aam Sadak, is being used. It is indicated in the counter affidavit that the land is lying vacant since long. It does not disturb the road and there is sufficient land available for settlement of the land in favour of Maha Dalit community without disturbing the road.

4. Taking note of the reasons indicated in the counter affidavit, and considering the fact that as a policy matter the land is being settled in favour of persons who are landless and belonging to the Maha Dalit community, we see no reason to interfere with such a policy decision when the State Government is categorically contending that this will not, in any manner, adversely affect the functioning of the existing public road in question.



5. Accordingly, finding no case for making indulgence into the matter, the petition stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	AFR
CAV DATE	N/A
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