

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10486 of 2017

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Santosh Kumar Mahto, S/o Baleshwar Prasad Mahto, Resident of Village-Narhiya Bazar, P.S.-Loukhi, District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Panchayat Raj Department, Govt. of Bihar, Patna.
2. The District Magistrate, Madhubani
3. The District development Commissioner 'Zila Parishad' Madhubani.
4. The Sub-Divisional Officer, Phulparas, Sub-Division (Madhubani).
5. The District Engineer, Zila Parishad, Madhubani.
6. The Chairman, Zila Parishad, Madhubani.
7. The Circle Officer of Loukhi Anchal, Phulparas, Madhubani.
8. Kundan Kumar Son of Dharmnarayan Sah, Resident of Village-Narhiya, P.S.- Loukhi, District-Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Jah, Advocate
For the State	:	Mr. Ajay, GA 5 with Mr. Pratik Sinha, AC to GA 5
For the Zila Parishad	:	Mr. Murari Narain Chaudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 03-08-2017

Heard learned counsel for the petitioner; State and Zila Parishad, Madhubani (hereinafter referred to as the 'Zila Parishad').

2. The controversy relates as to whether the land settled with the petitioner for the period 2017-18 by the Zila Parishad belongs



to it or the State. From the records it appears that a dispute has arisen in the matter as the Circle Officer has also settled the adjoining land in favour of respondent no. 8 and due to local issues, when the attention of the State authorities was drawn to the controversy, it transpired that the land settled by the Zila Parishad in favour of the petitioner is government land, however it is subject to final verification, which is underway. Further, the revenue is now being collected by the local Chowkidar on behalf of the Government.

3. In view of the controversy involved, the writ petition stands disposed off with a direction to the respondent no. 2 to ensure that the exercise, of determination as to whether the land belongs to the State or the Zila Parishad, is completed within a period of one month from the date of receipt/production of a copy of this order before him. In the said exercise, it shall be ensured that the Zila Parishad is also heard. Depending upon the finding arrived at, a reasoned order shall be passed by the District Magistrate, Madhubani, and consequences shall follow. The parties shall thereafter be at liberty to move before the appropriate forum, in accordance with law, for any grievance they might have against the order passed by the District Magistrate, Madhubani and/ or for any connected relief(s).

4. However, before parting, the Court would only observe that the authorities would keep in mind that the settlement in



favour of the petitioner was by the Zila Parishad, after advertisement and open tender and him being the highest bidder.

(Ahsanuddin Amanullah, J)

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