

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12926 of 2017

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1. Pawan Rai, aged 55 years, son of Late Ram Charitar Rai, resident of Village- Sumbha Deorhi Ponchait Baugrahta, P.S. Singhia, District- Samastipur.

2. Lakhan Paswan, son of Late Lato Paswan, resident of Village- Sumbha Deorhi, P.S. Singhia, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.

2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.

3. The District Magistrate, Samastipur.

4. The Sub-Divisional Officer, Rosera, District- Samastipur.

5. The Deputy Collector Land Reforms, Rosera Samastipur.

6. The Circle Officer, Block- Singhia, District- Samastipur.

7. Sangeeta Singh Mukhia, Gram Panchayat Raj, Baugrahta, P.S. Singhia, District- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Respondent/s : Mr. Anjani Kumar, AAG-4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT & ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date: 24-09-2018



The petitioners, by way of this Public Interest Litigation, have prayed for setting aside of the order dated 30.07.2011, passed by the Deputy Collector Land Reforms and Sub-Divisional Officer, Rosera, Samastipur, allotting cremation ground land to 17 families of *Maha Dalits* under the instructions from Govt. of Bihar and for declaring the *Gair Majarua* land in Village-Sumbha Deorhi in the District of Samastipur, measuring 51 decimals, as cremation ground because the same is being utilized by the public in general for several years. A further prayer has been made in the writ petition for setting up of a high-level Committee to inquire into the matter, so that the erring officials could be punished for their lapses.

2. From the counter affidavit filed on behalf of respondent Nos. 1 to 6, it appears that the Revenue *Karamchari* had sent a proposal to the Circle Officer, Singhia for settlement of *Gair Majarua Khas* land in favour of 17 *Maha Dalits* on 01.07.2011. The Circle Officer, thereafter, invited objections to the aforesaid proposal, if there were any. Since there was no objection, the Circle Officer, on spot verification, recommended the proposal of the Revenue *Karamchari* and communicated the same to the LRDC for its acceptance. Thereafter, pursuant to the orders of LRDC, the Circle Officer, Singhia issued *Parcha* in favour of the 17 *Maha Dalits*.

3. It further appears that the matter came in



public gaze when the allottees applied before the Sub-Divisional Public Complaint Redressal Officer for demarcation of the land and for giving possession over the same. Thereafter, an enquiry was conducted by the Circle Officer, Singhia. The Revenue *Karamchari* and the In-Charge Circle Inspector again visited the spot and submitted a report, which was communicated by the Circle Officer to the District Magistrate.

4. The Circle Officer, Singhia has recommended for cancellation of the settlement of the land with the 17 *Maha Dalits*. Thereafter, the earlier settlement was cancelled and fresh *Parcha*, as has been stated in the counter affidavit, is likely to be issued in favour of those families with respect to the lands which are, though *Gair Majarua Aam* land, but are not being used as cremation ground.

5. With the aforesaid stand of the State-respondents, the grievance of the writ-petitioners is fully redressed. Thus, no direction is required to be issued.

6. The writ petition stands disposed of.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28.09.2018
Transmission Date	N/A

