

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14653 of 2015

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1. Keshwar Prasad Yadav S/o Late Bhadai Rai R/o Village - Nimoea Tola,
Dhoom Nagar, P.O. Nimoea, P.S. Ghorasahan, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Revenue & Land Reforms
Department Govt. of Bihar, Patna
2. The Commissioner Tirhut Division at Muzaffarpur
3. The Collector, East Champaran
4. The S.D.O. Sikarahana, District East Champaran
5. The Land Reforms Deputy Collector Sikarahana (Dhaka) East
Champaran
6. The Anchal Adhikari, Bankatawa, District East Champaran
7. The Anchal Adhikari, Ghorasahan, District East Champaran
8. Narsingh Rai S/o Late Anat Rai
9. Narendra Kumar S/o Amar Lal
10. Radha Rai S/o Late Mukhalal Rai
11. Ramprit Rai S/o Lakshman Rai All R/o village - Nimoea Tola Dhoom
Nagar, P.O. Nimoea, P.S. Ghora Sahan, District - East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Singh

For the Respondent/s : Mr. GP1- U.S.S.Singh

Dr. Shobha Choubey, A.C. to G.P.19

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 12-07-2018 Heard both sides.

The petitioner filed this writ petition for the following
reliefs:

- (i) For the issuance of an appropriate writ
directing/commanding the Respondents to take
appropriate steps for the compliance of their own orders
dated 5.5.2011 contained in Annexure (3) and order



dated 25.03.2013 contained in Annexure (4).

- (ii) For the issuance of an appropriate writ/direction to the respondents to take immediate measures to check the illegal or forceful dispossession of the petitioner from the lands settled by the State-authorities to the petitioner.

The learned counsel for the petitioner submits that the land of Plot No.714/1 and 714/3 of Khata No.17 area 0.02 acre and 0.02 ½ acre was settled in favour of the petitioner vide settlement Case No.2 of 2002-03 by the competent authority and since then the petitioner is in possession. Petitioner filed Land Dispute Redressal Case No.7 of 2010-11 before the Dy. Collector, Land Reforms against his forceful dispossession. D.C.L.R., Sikarashtra vide order dated 05.05.2011 directed the Anchladhikari to take immediate steps for handing over the possession of land settled in favour of the petitioner. Narsingh Rai, respondent No.8 and others filed Appeal No.226 of 2011 before the Commissioner, Tirhut Division, Muzaffarpur and the Commissioner vide order dated 25.03.2013 directed the Additional Commissioner to ascertain the entire facts and if the land was illegally settled in favour of any person who is not entitled to get settlement of Govt. land, the same should be cancelled. It is submitted that the State has filed counter-affidavit stating that the Circle Officer in pursuance of the



order of the Commissioner recommended for cancellation of settlement made in favour of the petitioner. The learned counsel for the petitioner submits that the Additional Collector be directed to pass order after hearing the petitioner.

Learned counsel for the State has submitted that Commissioner passed the order and found that the settlement of land made in favour of different persons is illegal accordingly directed the Additional Collector to enquire into the matter. The Additional Collector entrusted the matter to the Circle Officer for enquiry and Circle Officer after enquiry recommended the matter for cancellation of settlement to the Additional Collector. Learned counsel for the State submitted that if the petitioner be directed to appear before the Additional Collector, he has got no objection.

Having considered the submissions of both sides, I dispose of this writ petition with a direction to the petitioner to appear before the Additional Collector and present his case against the cancellation of settlement. Thereupon, the Additional Collector after hearing both sides shall pass order in accordance with law within four months from the date of receipt of this order.

Accordingly, this writ petition stands disposed of.

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(Prabhat Kumar Jha, J)

