

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11751 of 2018

Rasendra Kumar Singh S/o Late Rajendra Singh, Resident of Mohalal- Katar,
P.O.- Shankarpuri, P.S.- Indrapuri Dehri-on-Sone, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Divisional Commissioner, Patna.
3. The District Magistrate-cum-Collector, Rohtas at Sasaram.
4. The Sub Divisional Officer, Sasaram.
5. The Sub Divisional Officer, Dehri-on-Sone, Rohtas.
6. The Deputy Collector Land Reforms, Dehri, District- Rohtas at Sasaram.
7. The Circle Officer, Dehri, District- Rohtas at Sasaram.
8. Shyam Bihari Ram, S/o Late Janki Ram,
9. Nandu Ram, S/o Jamuna Ram,
10. Bigan Ram, S/o Jamuna Ram,
11. Lakshuman Ram, S/o Jamuna Ram,
12. Sunil Paswan, S/o Ram Raj Paswan,
13. Anil Paswan, S/o Ram Raj Paswan,
14. Tunnu Ram, S/o Khaderan Ram,
15. Tara Devi, D/o Late Ganga Ram, All resident of Village- Katar, P.O.- Shankerpur Badiha, P.S.- Inderpuri, Distt- Rohtas.
16. Manoj Prasad Gupta,
17. Amar Prasad Gupta Both sons of Late Kedar Prasad Gupta, Resident of Village- Bastipur, P.O.- Manikpur, P.S.- Inderpuri, Distt- Rohtas.
18. Indrawati Kuar, W/o Late Indradeo Paswan,
19. Rabindra Kumar Paswan, S/o Late Indradeo Paswan,
20. Dharmendra Kumar, S/o Late Indradeo Paswan,
21. Fuljhari Kuer, S/o Late Ram Prasad Ram,
22. Sahendra Paswan,
23. Sanjay Paswan,
24. Dhananjay Paswan, All sons of Late Ram Prasad Ram,
25. Bhism Narayan Paswan,
26. Kasmir Paswan @ Amarendra Kumar Paswan, Both sons of Late Ram Bachan Ram,
27. Mahangi Kuer, W/o Late Chandrama Ram,
28. Ramayan Paswan, S/o Late Chandrama Ram,
29. Birendra Kumar, S/o Ramayan Paswan,



30. Laxmina Devi, W/o Late Kameshwar Paswan, All resident of Village- Katar, P.O.- Badiha Shankerpur, P.S.- Inderpuri, Distt- Rohtas Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raj Kishore Prasad
For the Respondent/s : Mr.Rishi Raj Sinha- SC-19

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 27-06-2019 Heard learned counsel for the parties.

2. This writ application has been filed for quashing of the *parwana* issued in the light of the order of settlement dated 30.09.1989, passed by the Sub Divisional Officer, Sasaram in Land Settlement Case No. 43 of 1988-89, whereby lands appertaining to C.S. Khata No. 53, C.S. Khesra No. 679 and C.S. Khata No.104, C.S. Khesra No. 725, tauzi No. 8861 situated at Mouza Katar, P.s. Dehri, Thana No. 176, which, according to the Revisional Survey, appertains to R.S. Khata No. 233, R.S. Plot No. 1153, 1154,1155,1156,1288 and 1300 situated at Mouza Katar, P.S. Dehri, Thana No. 176 and Halka No.109 and R.S. Khata No.61, R. S. Plot No. 1301 have been settled in favour of the landless persons, who have been impleaded as respondent Nos. 8 to 30 to the writ application.

3. It appears from the pleadings on record that certain dispute in respect of the same land had travelled up to the Bihar Land Tribunal, Patna. The petitioner was the applicant before



the Bihar Land Tribunal, Patna. Learned Member (Administrative) Bihar Land Tribunal , Patna in his judgment and order dated 26.04.2018 passed in BLT Case No. 661 of 2016 has finally recorded as follows:-

“Discussion & Findings

1. The petitioners purchased the land from Rama Shankar Prasad, Daya Shankar Prasad and Enju Kumar through a Registered sale Deed No. 4459 dated 25.04.2007. There is nothing on record to suggest that the said sale deed has been challenged.

2. Appeal No. 58 of 2007-08 filed by petitioner before Dy. Director, Rohtas has been allowed on 29.04.2008 and the petitioner's right, title and possession over lands in question has been found genuine. Accordingly, it was directed to enter the name of the petitioner in the records.

3. D.C.L.R. directed issuance of rent receipt only for the land measuring about 1 acre 14.5 decimals out of total land (1 acre 39.25 decimals) purchased by the petitioner, as the rest of the land has been settled in favour of homeless persons by the Govt.

4. It has also been held that one of the settlees Chandrama Ram



(grandfather of Opp Party No.7) has already submitted an affidavit that he had never come in possession over the settled land, but since the settlement made by the Govt. has not been cancelled by a competent Court, no interference can be made with settlement done by the Govt.

5. I tend to agree with Courts below that so long as the settlement made by Govt. in favour of certain persons on dispute lands exists, it will not be possible for Courts below to interfere with the settlement. Concerned parties are free to move a competent Court for the needful.

Accordingly the application is dismissed.”

4. Apparently, the Tribunal observed that so long as the settlements made by the Government in favour of the persons over the disputed land exist, no revenue Court could dilute effect of the said settlement.

5. Learned counsel for the petitioner has drawn my attention to Annexure-12 of the writ application which is an application for cancellation of settlements filed before the Court of Collector, Sasaram at Rohtas in 2015 itself. It has been submitted that on the one hand because of the so called



settlement, not properly made, the authorities under Bihar Land Dispute Resolution Act have refused to grant any relief to the petitioner, his application for cancellation of settlement has been allowed to remain pending for more than four years.

6. A counter affidavit has been filed on behalf of the State-respondents. It has been stated in paragraph 19 that the said Settlement Cancellation Case No. 02 of 2015 preferred by the petitioner shall be disposed of without any delay.

7. A reply to the counter affidavit has also been filed on behalf of the petitioner which is there on record.

8. In view of the nature of dispute and the findings recorded by the Bihar Land Tribunal, Patna which have not been questioned by the petitioner, this application is disposed of with a direction that let the Collector, Sasaram at Rohtas dispose of the petitioner's Settlement Cancellation Case No. 02 of 2015 within three months from the date of receipt/production of a copy of this order.

9. This application is disposed of accordingly.

(Chakradhari Sharan Singh, J)

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