

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12417 of 2018

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Ahmadulah Zafar Hasan son of late Majahir Hasan resident of Nayee Bazar
Road near Pakkisarai, Mahmmadpur Kazi District Muzaffarpur Pin - 842001.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector cum District Magistrate, Muzaffarpur.
4. The Additional Collector, Muzaffarpur.
5. The Municipal Commissioner, Muzaffarpur Municipal Corporation,
Muzaffarpur.
6. The S.D.O. East Muzaffarpur.
7. The L.R.D.C. East Muzaffarpur.
8. The Circle Officer, Mushari Anchal, Muzaffarpur.
9. The Charge Officer Settlement Mushari, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ratan Kumar Sinha
For the Respondent/s	:	Mr.Md. Khurshid Alam- AAG-12

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-04-2019 This writ application has been filed for giving effect

to an opinion of the Charge Officer (Settlement), Muzaffarpur

said to have been given on 07.12.1987 in Misc. Case No. 22 of

1987.

Learned counsel appearing on behalf of the petitioner
states that based on the said opinion recorded by the Charge
Officer (Settlement), the Settlement Officer ought to have taken
decision in terms of Section 467 of the Survey and Settlement
Manual, 1959 (hereinafter referred to as 'the Manual').



I do not find any justifiable explanation given in the writ application for delay of more than three decades in approaching this Court. Further, the Charge Officer in his said report has mentioned that he did not have any power under Section 467 of the Manual and this was the prerogative of the Settlement Officer only for correction of entry in the records of right.

Learned counsel appearing on behalf of the petitioner submits that all through the three decades the petitioner had been approaching the authorities for giving effect to, the recommendation of the Charge Officer (Settlement). However, I do not find any explanation for delay which can be satisfactory.

It has been stated in the writ application that for implementation of the final order passed by the Charge Officer (Settlement) dated 07.12.1987, the petitioner had approached the Commissioner, who had asked the Collector to proceed accordingly, but till date no action is taken. It is however, manifest that the said power is not vested in the Charge Officer, and he did not have any authority to pass such order. This aspect has been indicated in the recommendation itself that it was prerogative of the Settlement Officer to correct the entries in the records of right.



This application is accordingly rejected.

The order will not prevent the petitioner from approaching the competent Court of Civil jurisdiction for adjudication of his right title and possession, in respect of land in question.

This disposes of the application.

(Chakradhari Sharan Singh, J)

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