

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17005 of 2019**

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Rama Prasad Singh Son of Late Sripati Singh Resident of village - Sripalpur,  
P.S. Kochas, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Revenue and Land Revenue Department, Government of Bihar, Patna.
2. The Collector Rohtas.
3. The Additional Collector Rohtas.
4. The Land Reform Deputy Collector Rohtas.
5. The Sub Divisional Officer Rohtas.
6. The Anchal Adhikari Kargahar, P.S.- Kochas, District Rohtas.
7. Kamala Kuer Wife of not known Resident of village - Saraiya, P.s.- Kargahar, District- Rohtas.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Javed Aslam  
For the Respondent/s : Mr.Md. Khursid Alam ( AAG12 )

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      22-08-2019                      Heard Mr. Yogesh Chandra Verma, the learned senior  
  
counsel for the petitioner, and the learned counsel for the State.

The petitioner seeks quashing of the order passed in  
Case No. 46/96-97 by L.R.D.C., respondent No.4, correcting  
Jamabandi of the land appertaining to Khata No. 29, plot No. 76  
(old), new plot No. 81, measuring 3 acres 10 decimals in favour  
of Smt. Kamala Devi, and for a direction to the respondents to  
settle the land in favour of the petitioner in view of letter as  
contained in letter No. MHA 22/14/72 dated 20.09.1972.

The learned senior counsel for the petitioner submits



that petitioner after his retirement from Border Security Force filed petition for settlement of the land appertaining to Khata No. 29, plot No. 76 (old), new plot No. 81, measuring 3 acres 10 decimals and the concerned authority recommended for settlement of land in favour of the petitioner and sent the record to the Additional District Magistrate but the Additional District Magistrate rejected the petition of the petitioner for settlement of the land. The petitioner filed appeal before the Commissioner vide Case No. 203 of 1985 but the Commissioner vide order dated 23.02.1988 dismissed the appeal holding that the land is used by common people and on some portion of land there is a pond. It is submitted that Jamabandi was corrected and the aforesaid land was recorded in the name of Most. Kamla Kuer, therefore, correction of the records of rights is illegal.

The learned counsel for the State submits that appeal of the petitioner with regard to settlement of the aforesaid land was dismissed by the Commissioner on 23.02.1988 but the petitioner did not file any petition against the order of Commissioner. Most. Kamla Kuer filed petition for correction of record of rights and the competent authority corrected the record of rights in the name of Most. Kamla Kuer and if the land is of a private party the petitioner is not entitled to get settlement



of the aforesaid land.

Having considered the submissions of both sides, I find that petitioner filed petition for settlement of land but the Additional Collector dismissed the petition of the petitioner in the year 1985 holding that the land cannot be settled in favour of the petitioner. The petitioner filed appeal before the Commissioner but the Commissioner also dismissed the appeal of the petitioner vide order dated 23.02.1988 holding that there is a pond over the land besides road and Devsthan but the petitioner did not move before any authority or competent court against the order of the Commissioner. It is apparent that the land sought to be settled in favour of the petitioner is recorded as *Gairmazarua Aam* on which there was pond and the land was used by common people. Therefore, I find that such land cannot be settled in favour of the petitioner only because the petitioner is a retired constable of BSF.

Thus, I find no merit in this writ petition and the same is, accordingly, dismissed.

**(Prabhat Kumar Jha, J)**

BKS/-

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