

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5690 of 2016

=====

Yogendra Ram Son of Late Ram Rekha Ram, Resident of Village -Andhra Pakahi, P.S.-Adapur, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, East Champaran.
4. The Superintendent of Police, East Champaran.
5. The Deputy Collector, Land Reform, Pupari, Sitamarhi.
6. The Sub Divisional Officer, Raxaul, East Champaran.
7. The Circle Officer, Adapur, East Champaran.
8. The Officer-in-charge, Adapur, East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Nityanand, Adv.
For the Respondent/s : Mr. Sc11- Ashok Kumar

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 20-05-2019

Heard the parties.

2. This writ petition has been filed on behalf of petitioner for issuance of direction to respondent authorities to take immediate steps for restoration of possession over the land settled in his favour.

3. It has been submitted that petitioner is a landless person belonging to schedule caste and under the scheme of State Government 2 acres and 35 decimals Gair Mazarua land bearing Khata No. 11, Plot No. 95 was settled in favour of petitioner and others in the year 2001-02 out of which 70



decimals of land was settled in favour of petitioner and same was mutated in his name and he is paying rent to the State of Bihar and getting the rent receipt. Petitioner was in a cultivating possession over said land and was enjoying its usufruct.

4. Petitioner was dispossessed from the land and he filed several representations for restoration of his possession over the land before the authorities but no action was taken upon and lastly petitioner submitted an application which was sent to L.R.D.C., Raxaul on which B.L.D.R. Case No. 30 of 2011-12 was registered in the court of Deputy Collector, Land Reforms, Raxaul, however, same was disposed of by order dated 16.09.2011 declining restoration of possession and holding that Parchas issued be cancelled as the land was settled in favour of petitioner without making any physical and spot verification as well as local enquiry of the land and on the disputed land there is Shamshan, school and temple and is being used by general public and as such recommended for cancellation of settlement made in favour of petitioner.

5. Petitioner preferred an appeal before the Commissioner, Tirhut Division, Muzaffarpur giving rise to B.L.D.R. Appeal No. 270/2011 in which the appellate authority set aside the order passed by the D.C.L.R. on the ground that he



had exceeded jurisdiction by recommending the cancellation of Parcha as same is beyond purview of the Act.

6. Petitioner thereafter filed an application before the District Magistrate, Motihari, East Champaran for restoration of possession by his representation dated 09.04.2015 and 18.06.2015 as contained in Annexure-11 series which is still pending.

7. Counsel for the petitioner has made a limited prayer that a direction be issued to the District Magistrate, Motihari, East Champaran to consider his representation as contained in Annexure-11 series and to pass appropriate order on his representations.

8. The writ petition is disposed of with a direction to the District Magistrate, Motihari, East Champaran to consider the representation of petitioner in accordance with law and decide the same after hearing all the parties concern within six months from the date of receipt/production of a copy of order passed by this Court.

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27.05.2019
Transmission Date	N.A.

