

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23430 of 2019

1. Chulhan Singh, Son of Late Charitar Singh, Resident of Village and P.O.-
Khairha, P.S.-Dehri Nagar, District-Rohtas.
2. Gopal Singh, Son of Chulhan Singh, Resident of Village and P.O.-Khairha,
P.S.-Dehri Nagar, District-Rohtas.
3. Bhagwan Singh, Son of Chulhan Singh, Resident of Village and P.O.-
Khairha, P.S.-Dehri Nagar, District-Rohtas.
4. Vikrama Singh, Son of Chulhan Singh, Resident of Village and P.O.-
Khairha, P.S.-Dehri Nagar, District-Rohtas.

... .. Petitioner/s

Versus
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1. The State of Bihar through the Principal Secretary, Revenue and Land
Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas.
3. The Superintendent of Police, Rohtas.
4. The Special Work Officer, District Secret Office, Rohtas.
5. The Deputy Collector Land Reforms, Dehri, Rohtas.
6. The Sub Divisional Officer, Dehri, Rohtas.
7. The Executive Magistrate, Dehri, Rohtas.
8. The Circle Officer, Dehri, Rohtas.
9. The SHO, Dehari Police Station, Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar with
Mr. Kundan Kumar and
Md. Ayush Kumar, Advocates

For the State : Mr. Arun Kumar Bhagat, AC to AAG 12

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 28-11-2019

Heard learned counsel for the petitioners and learned AC
to AAG 12 for the State.



2. The petitioners have moved the Court for the following reliefs:

“i. For a direction to the respondent authorities to deliver the possession over the land bearing Khata No. 148, Plot No. 321, area 0.44 Decimal village Khairaha, Dehari, district Rohtas which has been settled in favour of the petitioner no. 1 vide Parwana receipt dated 26.11.1999 issued by the Circle Officer, Dehri, district Rohtas in pursuance to record no. 11/97-98.

ii. For a direction to the respondent authorities to deliver the possession over the land bearing Khata No. 148, Plot No. 321, area 0.9 $\frac{2}{3}$ Decimal + 0.9 $\frac{2}{3}$ Decimal + 0.9 $\frac{2}{3}$ Decimal total 29 decimal, village Khairaha, Dehari, district Rohtas which has been equally settled in favour of the petitioner no. 2 to 4 vide settlement receipt issued by joint signature of the Deputy Collector Land Reforms, Dehri, and Sub Divisional Officer, Dehri district Rohtas in pursuance to settlement case no.06/2015 as well as in view of the order contained in Memo No. 795 dated 15.06.2018 whereby petitioners have been directed to deposit Rs. 1,38,600/- as cost which has to be occurred for removing the encroachment from the land in question which was duly deposited by the petitioners on 12.06.2018 and accordingly receipt was also issued.

iii. For any other relief/reliefs for which the petitioner may be deemed to be entitled too.”

3. The petitioner no. 1 was the beneficiary of settlement of 0.87 acre of government land on 26.11.1999. The petitioners no. 2, 3 and 4, who are his sons, later got settlement of 0.9 $\frac{2}{3}$ rd decimal each in their favour on 15.06.2018. However, they allege that the possession over the land was never given to them.

4. Learned counsel for the petitioners submitted that though *parchas* were issued in favour of the petitioners, the actual



possession was not delivered for which they have moved the authorities and by order of the Competent Authority police force was deputed for which the petitioners also deposited Rs.1,38,600/- in the government treasury but the police force which went to the spot had to return without delivery of possession. Learned counsel submitted that the authorities are not discharging their legal obligation as the petitioners being the beneficiaries of a government scheme, being landless, are not being given actual possession of the lands settled with them. It was further submitted that the authorities are allowing the land to be misused by construction of a temple and field for playing of children.

5. Learned counsel for the State, in opposition, submitted that the petitioner no. 1, in whose favour 0.87 acre of land was settled in the year 1999, approaching the Court after 20 years in the present writ application, does not deserve to be entertained. With regard to petitioners no. 2, 3 and 4, it was submitted that once the father, i.e., the petitioner no. 1 of petitioners no. 2, 3 and 4, had already been settled 0.87 acre of land, which is a substantial area, the petitioners no. 2, 3 and 4, being the sons, did not have any right for settlement of any government land meant for landless people, as already the petitioner no. 1, being the father, had sufficient area of land settled



by the government in his favour. Thus, it was submitted that the Court in its extraordinary prerogative writ jurisdiction may not interfere in the matter in the larger public interest.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to interfere in the matter.

7. As has rightly been submitted by learned counsel for the State, the fact that the petitioner no. 1, who is the father of petitioners no. 2, 3 and 4, was given government land on the basis of him being landless, which is a large chunk of land, the petitioners no. 2, 3 and 4 seize to have any right for settlement as landless persons of government land. Thus, in the *prima facie* view of the Court, the matter smacks of grave irregularity and may also indicate collusiveness, for which the authorities are required to re-visit the whole matter. As far as handing over the possession of 0.87 acre of land settled in favour of the petitioner no. 1, the Court would only observe that for a cause of action which accrued 20 years ago, keeping in mind the fact that ground realities on the land necessarily and obviously would have changed, it would not be appropriate to pass any positive order in the matter today. It will be open to the petitioner no. 1 to move before the authorities concerned in the matter.



8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

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