

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25465 of 2019

=====

Kailash Ram, aged about 57 years, Male, son of Late Ganauri Ram, resident of Village Barun Tola, Chandar Bigha, P.O. and Police Station + Anchal Barun, District Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms and Revenue Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Aurangabad.
3. The Deputy Collector Land Reforms, Aurangabad, Patna.
4. The Circle Officer, Barun, Aurangabad, Bihar.
5. Dhanjee Singh, son of Butan Singh, resident of Village- Gobardhan Bigha, P.O., Police Station and Anchal- Barun, District- Aurangabad.
6. Binod Singh, son of Butan Singh, resident of Village- Gobardhan Bigha, P.O., Police Station and Anchal- Barun, District- Aurangabad.

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary
For the Respondent/s : Mr.Subash Chandra Yadav (Gp15)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-12-2019 Heard Mr. Waliur Rahman, the learned counsel for the

petitioners and the learned counsel for the State.

The petitioners by filing this writ petition seeks quashing of the order dated 01.09.2016, passed in Title Verification Case No.4/2016-17 and order dated 16.01.2017 and 25.07.2019, passed in Title Verification Appeal No.4/2016-17/145/2017.

Learned counsel for the petitioner submits that the land of Khesra No.1712, Khata No.224, situated in Mauza



Barun for construction of D.F.C.C. Railway Project was to be acquired. 20 decimals of land of Plot No.1712, Khata No.224 was settled in favour of the petitioner in the year 1970-71 but the respondents no.5 and 6 filed petition for getting the compensation on the basis of some sale deeds. The petitioner filed petition before the Circle Officer, Barun for putting the petitioner in possession of the land as the petitioner is Purcha holder. The Circle Officer referred the matter to the D.C.L.R., Aurangabad. The D.C.L.R. by order dated 16.01.2017 illegally held that the Purcha issued in favour of the petitioner is ineffective and illegal. The D.C.L.R. also erroneously found the second party-respondents in possession of the land. It is further submitted that the Collector, Aurangabad also illegally affirmed the order of the D.C.L.R. It is also submitted that the petitioner is Purcha holder which was duly issued by the competent authority and, therefore, the petitioner is entitled to get compensation.

Having considered the submissions of the parties and on perusal of the orders of the D.C.L.R. and the Collector, it is evident that the petitioner claimed the land by virtue of Purcha issued in Settlement Case No.244/70-71 but the same was never acted upon. The petitioner never remained in possession of the



land. The respondents claimed the land by virtue of the sale deed. The ex-landlord filed the return and got compensation vide Compensation Case No.273/23/53-54 and Case No.43/53-54. The landlord executed the sale deed in favour of the respondents and the respondents after getting their names mutated came in possession. There is nothing to show even on the date of issuance of Purga that the land owner was noticed and heard and purga was issued in favour of the petitioner in accordance with law, therefore, I find that both the courts have rightly held that the Purga issued in favour of the petitioner remained ineffective.

Having considered the facts aforesaid, I do not find any merit in this writ petition. Accordingly, the writ petition is dismissed.

The petitioner, if so advised, may file suit for redressal of his grievance.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U			
---	--	--	--

