

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22118 of 2018

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Gyan Prakash Muni, Son of Late Muni Nirdhan Prasad Singh, Resident of village – Sabalpur (Panchayat Madar), P.O.- Marar, P.S.- Morkahi, District – Khagaria.

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Revenue and Land Reforms, Govt. of Bihar, New Secretariat, Patna.
 2. The Director, Land Records and Survey, Govt. of Bihar, New Secretariat, Patna.
 3. The Divisional Commissioner, Munger, Division Munger.
 4. The Collector Khagaria, District Khagaria.
 5. The Additional Collector Khagaria, District Khagaria.
 6. The Deputy Land Reforms Khagaria, District Khagaria.
 7. The Sub Divisional Officer, Khagaria, District Khagaria.
 8. The Circle Officer, Khagaria, District Khagaria.
 9. Shefali Devi @ Santhali Devi, w/o Baliram Malakar, resident of village – Baluahi Hajipur, P.O.- Kharia, P.S- Khagaria, District – Khagaria.
 10. Rekha Devi, w/o Bajrangi Ram, resident of village Sanhauhi, P.O.- Sanhauhi, P.S.- Chitragupta Nagar, District Khagaria.
 11. Sanju Deiv w/o Bharat Sah.
 12. Suja Devi w/o Rohit Sah.
 13. Chandani Devi w/o Guddu Kumar.
 14. Savitri Devi w/o Dashrath Sah.
 15. Kranti Devi w/o Rahul Kumal.
 16. Seema Devi w/o Rameshwar Sah.
 17. Pinki Devi w/o Lallan Sah.
 18. Gayatri Devi w/o Yugeshwar Sah.
 19. Gauri Devi w/o Amarjeet Sah.
 20. Ranjan Devi w/o Palu Sah.
 21. Fulo Devi w/o Arjun Paswan.
 22. Chargama Devi w/o Jitan Paswan.
 23. Sarjan Devi w/o Ashok Paswan.
 24. Seeta Devi w/o Sanjay Paswan.
 25. Sarswati Devi w/o Jairam Paswan.
 26. Nanho Paswan w/o Baunu Paswan.
- All are resident of village Baluahi, P.O. - Khagaria, P.S.- Khagaria, District Khagaria.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Ranjan Kumar Dubey, Adv.
For the Respondents	:	Mr. Ajay, GA-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY



ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 19.11.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following reliefs:

“(i) For issuance of writ in the nature of command directing the official respondents to not made encroachment over the land of Mauza-South Madar, Thana No. 189, Tauzi No. 2090, Khata No. 777, Plot No. 1322 which has been recorded in khatian as Gairmajarua Aaam Rasta by settling the land in favour of private respondents under the scheme of Abhiyan Baresara.

(ii) For issuance of writ in the nature of certiorari for quashing the entire proceeding of Settlement Case No. 06/2018-19 which has been initiated and decided with respect to the land of Mauza-South Madar, Thana No. 189, Tauzi No. 2090, Khata No. 777, Plot No. 1322 which has been recorded in Khatian as Gairmajarua Aaam Rasta which is contrary to the Govt. Memo No. 614(6) dated 17.06.2015.

(iii) For issuance of writ in the nature of certiorari for quashing the all consequential order/action pursuant to the final order passed by the official respondent in Land Settlement Case No. 06/2018-19 and further they may be restrained from handing over possession of the disputed land in favour of private respondents.



(iv) For issuance of writ in the nature of command directing the official respondents from issuing any parcha if not issued.

(v) For issuance of writ in the nature of command directing the official respondents to remove the encroachment if any from the land in question in accordance with law.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.



(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

P.K.P./-Rajeev
Kumar

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