

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 25728 of 2019

Ashok Pasi, aged about 47 Years, Male, Son of Sita Ram Pasi, Resident of Village- Akhini, P.O.- Akhini, P.S.- Nuaon, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms, Government of Bihar, Patna.
2. The District Magistrate District- Kaimur (Bhabhua).
3. Sub-Divisional Officer, Kaimur (Bhabhua).
4. The Deputy Collector, Land Reforms, Mohania, Kaimur (Bhabhua).
5. The Circle Officer, Nuaon, Kaimur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vishwa Ranjan Choudhary and Mr. Nishant Kumar Sinha, Advocates
For the State	:	Ms. Archana Prasad, AC to SC 19

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 06-01-2020

Heard learned counsel for the petitioner and learned AC
to SC 19 for the State.

2. The petitioner has moved the Court for the following
reliefs:

“(i) For a direction upon the concerned Respondent Authority to remove the illegal and forceful encroachment of the anti-social elements of the local villager over the plot of land of the petitioner, that is situated in Mauza- Akhini, Khata No. 431, Plot No. 1846 admeasuring 1 (ONE) Acre and deliver the Physical Possession of the same to the petitioner in compliance of the order dated 01.02.2018 passed by the Learned Additional Collector, Public Grievance Redressal Forum, Kaimur



(Bhabhua) in Complaint bearing Unique Identification Number- 531110120021700121/1A/01.

(ii) Further direct to the respondent authority to consider the representation dated 13.02.2019 and dated 05.07.2019 filed by the petitioner and act according in view of the law of the land.

(iii) And, further also direct the respondent authority to hold the person responsible for the unjust and unnecessary delay of years to deliver the possession of the land settled by the State of Bihar in the name of the Petitioner, as the petitioner belongs to the poor and downtrodden class of the society.

(iv) For any other relief/reliefs for which the petitioner is entitled in the facts and circumstances of the case.”

3. As per the contention of the petitioner, though *parcha* for 0.75 acre of land was issued in favour of his father in the year 1975-76 but actual possession has not been given till date.

4. Learned counsel for the State submitted that the petitioner claims to have got the revenue rent receipt till the year 2018 in his favour with regard to the said land and, thus, the presumption is that he is in possession. It was further submitted that after 44 years, the State is not obliged to re-deliver possession, which on paper has already stood delivered to the petitioner's father in the year 1975-76 itself. It was submitted that there is nothing on record to show as to how the petitioner/his father was dispossessed or with regard to possession not being given at the relevant time in the year 1975-76 itself.



5. Having regard to the facts and circumstances of the case and submission of learned counsel for the parties, the Court finds substance in the stand of learned counsel for the State. After 45 years, the writ Court would not go into an exercise with regard to the allegation of non-handing over possession of the land settled with the father of the petitioner in the year 1975-76.

6. Accordingly, the application stands disposed off. However, it shall be open to the petitioner to move before the authorities concerned or before the appropriate forum, for redressal of his grievance.

(Ahsanuddin Amanullah, J.)

Anand Kr.

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