

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1024 of 2022

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Anup Kumar Agarwal, son of Late Shambhu Prasad Agarwal @
Jhunjhunwala, Resident of Agarwal House, Sowa babu Chowk, Lal Bazar,
P.S. Bettiah, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Main Secretariat, Patna.
2. The Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Main Secretariat, Patna.
3. The Commissioner, Tirhut Division, Bettiah (West Champaran).
4. The Collector, Collectorate Office, Bettiah (West Champaran).
5. The Deputy Collector Land Reforms, Bettiah Sadar, Bettiah (West Champaran).
6. The Circle Officer, Bettiah (West Champaran).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mohit Agarwal, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha (SC-19)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 30-11-2022 Heard learned counsel for the parties.

The present writ petition has been filed for directing the respondent no. 5 to fix the Land Revenue/ *Lagan* in the name of the petitioner with regard to the land measuring 1.08 Acres bearing Khata No. 397, Khesra No. 1038, situated at Mauza-Banuchapar, Thana No. 129, Bettiah (West Champaran).

As per the recommendation of the respondent no. 6 vide order dated 10.03.2021/24.03.2021 passed in Lagan Fixation Case No. 20/ 2019-20/ 05/2020-21 has recommended



for fixing the Lagan in favour of the petitioner.

The prayer of the petitioner for Lagan Fixation has been rejected by the D.C.L.R. Sadar, Bettiah in Land Reform Case No. 05/2020-21 arising out of Lagan Fixation Case no. 20/2019-20.

This order has also been challenged by the petitioner by filing an Interlocutory Application which has been allowed.

The objection of the learned counsel for the State was that a partition Suit No. 562/09 is pending between the petitioner and his co-sharer and an Injunction order has been passed on 29.01.2021 and, therefore, the Rent Fixation may not be ordered in favour of the petitioner which may create confusion and Rent Fixation may be ordered after disposal of the Partition Suit No. 562/09.

I have heard the parties and examined the records of the case. By order dated 29.01.2021 passed in Partition Suit No. 562/09, the defendants No. 1 to 4 and 26 to 28 have been restrained from disposing of the property till next one year.

Learned counsel for the petitioner submits that the Injunction order has expired but the parties have filed for extension of the Injunction order. It has been submitted by the petitioner during the course of hearing that if the Lagan is fixed



then share of the petitioner in the land can be decided in Partition Suit and if the land in question falls in the share of any other co-sharer then this Rent Fixation will have no bearing on the case of that co-sharer.

The State has to get the rent from the petitioner or from the co-sharer is immaterial. The rent fixation has been recommended by the Circle Officer and the same has now been dismissed by the D.C.L.R.

In that view of the matter, the order dated 08.10.2022 passed by the D.C.L.R. Bettiah Sadar, Bettiah (West Champaran) is quashed and the matter is remitted back to him with a direction to fix rent as per the recommendation of the Circle Officer. Any rent fixation shall be subject to the result of Partition Suit No. 562/09.

The D.C.L.R. must pass the order of rent fixation within eight weeks of communication of the order in this

With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

Shishir/Vikas

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