

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6827 of 2020

1. Deo Narayan Singh, aged about 60 years (Male).
2. Satya Narayan Singh, aged about 57 years (Male).
3. Deva Nand Singh, aged about 52 years (Male).
All sons of late Sakaldeo Singh, Resident of Village and P.O.- Sisia,
P.S.- Korha, District- Katihar.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary Department of Revenue,
Govt. of Bihar, Patna.
2. The Collector, Katihar, District- Katihar.
3. The D.C.L.R., Katihar, District- Katihar.
4. The Anchaladhikari, Korha Anchal, Korha, District- Katihar.
5. Bindeshwari Pd. Singh, S/o Nandlal Singh.
6. Kamleshwari Prasad Singh S/o Brahmdeo Singh.
7. Jiwachhlal Singh, S/o Bishwanath Singh.
8. Dipak Kumar Singh S/o Rajendra Pd. Singh - Land Owner.
Respondent Nos. 5 to 8 are resident Village- Mahinathpur, P.O. Sisia
P.S. Korha, Distt.- Katihar.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Subodh Kumar, Advocate
For the State	:	Mr. Dhurjati Kumar Prasad, G.P.-14
		Mr. Subodh Kumar Mishra, A.C. to G.P-14

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 20-06-2022 This writ petition has been filed by the petitioner for settlement of land measuring 1.89 acre situated in village - Bisaria, P.S.-Korha, Anchal - Korha, District- Katihar (Thana No. 16) Tauzi No. 1 /1309, Khata No. 1028, Khesara No.3594 (Area 1.18 decimal), Khesra No.4466 (Area 0.36 acre), Khesra No. 4469 (Area 0.35 acre), total 1.89 Acre as the aforesaid land



has been coming in peaceful cultivating possession of the petitioners and their ancestors since about 1930 and the petitioners are landless Raiyat depending upon the cultivation for their livelihood.

The petitioner had moved before the Bihar Land Tribunal vide B.L.T. Case No. 618 of 2018, which was disposed of with an observation that the petitioners shall have liberty to seek remedy in accordance with law before the appropriate authority. After the order passed by the Bihar Land Tribunal, the petitioners have filed an application before the Circle Officer, Korha, District- Katihar under Section 48D of the Bihar Tenancy Act, 1885.

It has been submitted by learned counsel for the State that the application filed before the Circle Officer is defective as the same should have been filed by the petitioners under Section 48E of the Bihar Tenancy Act, 1885 and not under Section 48D of the aforesaid Act.

The Circle Officer, Korha, District- Katihar, is directed to proceed with the hearing of the application filed on behalf of the petitioners. He shall give a chance to the petitioners' advocate to make necessary correction in the application and if the petitioners' advocate makes the necessary



correction in the application and says that the application has been filed under Section 48E of the aforesaid Act then, the Circle Officer, Korha, District- Katihar shall proceed with the matter in accordance with law. However, if the petitioners' advocate does not make necessary correction and presses his application to have been filed under Section 48D of the aforesaid Act, necessary orders be passed by the Circle Officer, Korha, District- Katihar in accordance with law. The application of the petitioners must be disposed of by the Circle Officer, Korha, District- Katihari within six weeks from the date of receipt/production of a copy of this order.

With the aforesaid observations and directions, this writ petition is disposed of.

(Sandeep Kumar, J)

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