

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.913 of 2023

1. Tribhuwan Prasad Singh Son of Onkar Singh, A-11 Sri Ram Path, East Saristabad near Durga Mandir, Gardanibagh, P.O. G.P.O P.S. Gardanibagh, Town and District - Patna.
2. M/s Techno Fuels India Pvt. Ltd. Registered Office - Dharmeshwaran Shukla Colony, Hinoo, Ranchi - 2 through its Director Tribhuwan Prasad Singh, Male, aged about 45 years, Son of Onkar Singh, A- 11 Sri Ram Path, East Saristabad near Durga Mandir, Gardanibagh, P.O. G.P.O. P.S. Gardanibagh, Town and District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, New Secretariat, Patna.
2. The Collector-cum-District Magistrate, Rohtas at Sasaram.
3. The Sub Divisional Officer, Sasaram, Rohtas.
4. The Sub Divisional Officer, Dehri on Sone, Rohtas.
5. The Deputy Collector Land Reforms, Dehri, Rohtas.
6. The Circle Officer, Dehri, Rohtas.
7. Shyam Bihari Ram, Son of Late Janki Ram, Resident of village - Katar, P.O. Shankarpur Badiha, P.S. Indrapuri, District- Rohtas.
8. Nandu Ram, Son of Jamuna Ram, Resident of village - Katar, P.O. Shankarpur Badiha, P.S. Indrapuri, District- Rohtas.
9. Bigan Ram, son of Jamuna Ram, Resident of village - Katar, P.O. Shankarpur Badiha, P.S. Indrapuri, District- Rohtas.
10. Lakshuman Ram, Son of Jamuna Ram, Resident of village - Katar, P.O. Shankarpur Badiha, P.S. Indrapuri, District- Rohtas.
11. Sunil Paswan, son of Ram Raj Paswan, Resident of village - Katar, P.O. Shankarpur Badiha, P.S. Indrapuri, District- Rohtas.
12. Anil Paswan, son of Ram Raj Paswan Resident of village - Katar, P.O. Shankarpur Badiha, P.S. Indrapuri, District- Rohtas.
13. Tunnu Ram, son of Khaderan Ram, Resident of village - Katar, P.O. Shankarpur Badiha, P.S. Indrapuri, District- Rohtas.
14. Tara Devi, D/o Late Ganga Ram, Resident of village - Katar, P.O. Shankarpur Badiha, P.S. Indrapuri, District- Rohtas.
15. Manoj Prasad Gupta, Son of Kedar Prasad Gupta, Resident of village - Bastipur, P.O. ManikPur, P.S. IndraPuri, District - Rohtas.
16. Amar Prasad Gupta, Son of Kedar Prasad Gupta, Resident of village - Bastipur, P.O. ManikPur, P.S. IndraPuri, District- Rohtas.
17. Indravati Kuar, wife of Late Indradeo Paswan, Resident of village - Katar, P.O. ShankarpurBadiha, P.S. IndraPuri, District- Rohtas.
18. Rabindra Kumar Paswan, son of Late Indradeo Paswan, Resident of village -

Katar, P.O. ShankarpurBadiha, P.S. IndraPuri, District- Rohtas.

19. Dharmendra Kumar, son of Late Indradeo Paswan, Resident of village - Katar, P.O. ShankarpurBadiha, P.S. IndraPuri, District- Rohtas.
20. FuljhariKuar, S/o Ram Prasad Ram, Resident of village - Katar, P.O. ShankarpurBadiha, P.S. IndraPuri, District- Rohtas.
21. Sahendra Paswan, S/o Ram Prasad Ram, Resident of village - Katar, P.O. ShankarpurBadiha, P.S. IndraPuri, District- Rohtas.
22. Sanjay Paswan S/o Ram Prasad Ram, Resident of village - Katar, P.O. ShankarpurBadiha, P.S. IndraPuri, District- Rohtas.
23. Dhananjay Paswan, S/o Ram Prasad Ram, Resident of village - Katar, P.O. ShankarpurBadiha, P.S. IndraPuri, District- Rohtas.
24. Bhisma Narayan Paswan, Son of Late Ram Bachan Ram, Resident of village - Katar, P.O. ShankarpurBadiha, P.S. IndraPuri, District- Rohtas.
25. Kashmir Paswan @ Amarendra Kumar Paswan, Son of Late Ram Bachan Ram, Resident of village - Katar, P.O. ShankarpurBadiha, P.S. IndraPuri, District- Rohtas.
26. MahagiKuar, w/o Late Chandrama Ram, Resident of village - Katar, P.O. ShankarpurBadiha, P.S. IndraPuri, District- Rohtas.
27. RamayanPaswan, son of Late Chandrama Ram, Resident of village - Katar, P.O. ShankarpurBadiha, P.S. IndraPuri, District- Rohtas.
28. Birendra Kumar, Son of Ramayan Paswan, Resident of village - Katar, P.O. ShankarpurBadiha, P.S. IndraPuri, District- Rohtas.
29. Laxmina Devi, wife Late Kameshwar Paswan, Resident of village - Katar, P.O. ShankarpurBadiha, P.S. IndraPuri, District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Adv.
For the Respondent/s : Mr. Raj Kishore Roy, GP18

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 26-06-2023

Counsel for the petitioners and counsel for the
State are present.

2. The present writ petition has been filed for
quashing of the order dated 13.09.2022, passed in Settlement
Cancellation Case No. 02 of 2015, passed by the Collector-cum-

District Magistrate, Rohtas (Sasaram).

3. Counsel for the petitioners submits that the petitioners are the purchasers of the land from decree holder of the land in question vide Annexure-6 and 8. Counsel submits that the State Authorities either under wrong impression or intentionally started settlement of petitioner's land in favour of landless and issued *Parwana*. The petitioners, upon getting the knowledge, filed a Settlement Cancellation Case No. 02 of 2015, which was decided against the petitioners. Thereafter, the petitioners preferred statutory appeal before the Commissioner, Patna and the present case is pending being the Settlement Case No. 359 of 2022, in which the next date is 04.07.2023.

4. Counsel for the petitioners submits that there is no stay passed in the Settlement Cancellation No. 02 of 2015 by the Appellate Authority due to which some persons, in whose favour settlement has been made, trying to sale/transfer the said land, which is going to create a further litigation. Admittedly, the subject matter of dispute is land appertaining to CS Khata No. 53, CS Plot no. 679, Rakba- 6.84 acre, CS Khata No. 104, CS Plot no. 725, Rakba- 10.12 acre, RS Khata No. 233, RS Plot no. 1153, Rakba- 6 decimal, RS Plot no. 1154, Rakba- 8 decimal, RS Plot no. 1155, Rakba- 5 decimal, RS Plot no. 1156,

Rakba- 3.23 acre, Plot no. 1300, Rakba- 6.69 acre, Plot no. 1288, Rakba-91 decimal and RS Khata no. 61, RS Plot no. 1301, Rakba 2.49 acre, of *Raiyati* land.

5. Counsel for the petitioners submits that petitioners purchased the said land in auction vide sale deed dated 19.12.1966, which is in dispute.

6. Counsel for the State submits that since statutory remedy has already risen before the Appellate Authority in the Appeal Case No. 359 of 2022, which is pending, therefore, a direction may be given to the Appellate Authority to decide this matter within a fixed time frame.

7. In this background, the Appellate Authority, i.e. Commissioner, Patna is hereby directed to decide the case of the petitioners within four months from the date of receiving of this order. In case, appearance of all the respondents shall not be completed then paper publication is directed to made at the earliest and after completion of appearance, this matter is directed to be decided within the time frame specified/mentioned above.

8. If due to any reason, the hearing of this case becomes necessary to be extended then in that case the Commissioner, Patna is directed to pass an order to stay the

order dated 13.09.2022 passed in Settlement Cancellation Case no. 02 of 2015, passed by the Collector-cum-District Magistrate, Rohtas (Sasaram).

9. With the aforesaid direction, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

Ashishsingh/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	