

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1884 of 2023

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Narendra Paswan Son of Jiut Paswan, Resident of village - Bairiya Dih, P.S. - Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar at Patna.
3. The Collector of East Champaran at Motihari.
4. The Civil Surgeon, East Champaran at Motihari.
5. The District Education Officer, East Champaran, Motihari.
6. The District Welfare Officer, East Champaran at Motihari.
7. The Sub-Divisional Officer, Arreraj, District - East Champaran.
8. The Deputy Collector of Land Reform, Areraj, District - East Champaran.
9. The Block Development Officer, Harsidhi Block, District - East Champaran.
10. The Circle Officer, Anchal Harsidhi, District - East Champaran.
11. The Block Education Officer, Harsiddhi, East Champaran.
12. The In-charge Medical Officer, Public Health Centre Harsiddhi, District - East Champaran.
13. The Officer In-charge of Harsiddhi Police Station, District - East Champaran.
14. The Headmaster, Govt. Primary School, Bariya Tal, Block Harsiddhi, District - East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar No.1, Adv.
For the Respondent/s	:	Mr. Rishi Raj Sinha (SC19)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 25-09-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for directing the respondents for vacating the illegal possession / encroachment from the petitioner's land bearing Khata No. 494,

Plot No. 673/23 and 673/24, Area of 2 acre 50 Decimal under Village- Bairiya Dih, Anchal- Harsiddhi, District- East Champaran.

3. Counsel for the petitioner submits that the said land was settled in the name of mother and maternal grand mother of the petitioner in the year 1970-71. It is submitted that the two plots of land were settled in the name of Kilnney Devi and Rampati Devi and the photocopy of settlement paper has been annexed by the petitioner as Annexure-1. In the said settlement paper, this land was shown as *Gairmajarua Malik* land. Counsel further submits that upon getting information that petitioner's land was recommended for construction of public health center, then the petitioner has filed objection, thereafter, the 3 men enquiry team have been constituted. Subsequently, the District Magistrate, East Champaran, Motihari has also issued letter in this regard to complete the enquiry within 7 days vide its Letter dated 22.07.2022, but no action was taken, then in that case, the petitioner has moved before this Hon'ble Court.

4. Counsel for the State submits that in compliance of the order passed by District Magistrate, East Champaran, Motihari, the Circle Officer, Harsiddhi has conducted enquiry

about the claim of the petitioner regarding Settlement Case No. 398 of 1970-71. Upon enquiry, it was found that there is no mentioning of such case in the settlement register and the claim of the petitioner was found false.

5. Counsel for the State further submits that the Circle Officer, Harsiddhi, thereafter, satisfied that Jamabandi No. 1375 which was created in the name of the petitioner, is doubtful and therefore, a proposal was made before the Additional Collector in *Jamabandi* cancellation vide Record No. 02 of 2023-24 in which opportunity was given to the petitioner to place the documentary evidences so that the appropriate decision may be taken by the Additional Collector, East Champaran, Motihari under Section 9 of the Bihar Land Mutation Act, 2011 (Bihar Act 23, 2011).

6. In this background, the present writ petition is hereby disposed of directing the petitioner to appear before the Additional Collector, East Champaran, Motihari to clarify his stand with all the relevant papers relating to land in question and the Additional Collector, East Champaran, Motihari at the time of hearing, shall pass order under the provision of Section 9 of the Bihar Land Mutation Act, 2011 (Bihar Act 23, 2011), within 90 days from the date of completion of appearance of petitioner

as well as all concerned.

7. With the aforesaid direction, the present writ application is hereby disposed of.

(Dr. Anshuman, J.)

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