

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4141 of 2023

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Binita Sinha D/o Late Bhupendra Narayan Sinha, Wife of Nand Kishore Prasad Verma, Resident of Village- Ujain Tola, Hari Vatika, Bettiah, P.S.- Bettiah, Mufassil, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reform Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reform Department, Govt. of Bihar, Patna.
3. The District Magistrate, West Champaran, Bettiah.
4. The Addl. Collector, West Champaran, Bettiah.
5. The Land Reform Deputy Collector, Bettiah Sadar, West Champaran, Bettiah.
6. The Anchaladhikari, Bettiah, District- West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 08-09-2023

Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for quashing the order bearing Memo No.2771 dated 26.10.2021 issued under joint signature of the Incharge Officer, District Revenue Branch Bettiah, Addl. Collector, West Champaran,

Bettiah and Collector, West Champaran, Bettiah by which direction was made that disputed land should be handed over for construction of the building of Panchayat Resource Center.

3. Counsel for the petitioner submits that the petitioner is the daughter of the *Jamabandi Raiyat* to whom 11 Katha, 10 ½ Dhur land pertaining to Khata No.87, Khesra No.234 was allotted. *Jamabandi* was also opened in his name and in the year 2012 a possession certificate for the land was also granted in favour of father of the petitioner bearing letter no.1242 dated 29.11.2012 under the signature of Circle Officer, Bettiah. Counsel submits that in the year 1996 the petitioner and other persons were under threatened dispossession and thereafter they moved before this Hon'ble Court in CWJC No. 7901 of 1996, which was disposed of vide order dated 20.08.1996 by which a direction was made to the Collector, Bettiah to consider the representation of the petitioner and other similarly situated persons, who were in possession of the said Khesra No.234. According to the petitioner the said Khesra No.234 is a big chunk of land, which is about 44 acres in the nature of *Parti-qadim*. Counsel for the petitioner submits that in the year 2020 the Government of Bihar issued a circular with regard to the different types of land including *Parti-qadim*.

4. Counsel for the State submits that the Panchayat Bhawan has been proposed on the *Gair-Majarua Malik Parti-qadim* land which is being opposed by the petitioner without any basis as the Additional Collector and Collector along with the concerned Incharge Officer District Revenue Department, Bettiah have collectively passed an order only for 51.65 Dismil of the land out of 44 Acres of land and no objection of the petitioner is not necessary.

5. Upon going through the letter issued by the Additional Chief Secretary vide Memo No.247 dated 20.03.2020, a final decision has to be taken at the level of Divisional Commissioner. As such, the petitioner is directed to avail the remedy before the Divisional Commissioner, Muzaffarpur raising all his grievances and Divisional Commissioner, Muzaffarpur is directed to pass a reasoned and speaking order within 3 weeks from the date of filing of representation before him to consider the claim of the petitioner in the light of the said Memo No.247 dated 20.03.2020.

6. With the aforesaid direction, this writ petition is hereby disposed of.

7. It is made clear that till final decision taken by the Divisional Commissioner, Muzaffarpur the status-quo as

maintained on today shall not be disturbed.

(Dr. Anshuman, J.)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2023
Transmission Date	NA