

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4357 of 2023

Chandrakanta Kumari W/o Late Shubhash Kishore Verma, D/o Late Narendra Kumar Sinha Shrivastava R/o Meshawan, P.S.- Benipatti, Dist.- Madhubani, Presently residing of Flat No.- 1402, Aspire Tower, Sikka Karmic Green, Sector- 78, Noida, Gautam Budh Nagar, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary of Dept. of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. Director of Dept. of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. District Collector, Madhubani.
4. Additional Collector Land Reforms, Madhubani.
5. District Fisheries Officer cum Chief Executive Officer, Madhubani, District-Madhubani.
6. Circle Officer, Benipatti, Madhubani.
7. Shri Sudhir Sahni, Minister of Benipatti Prakhand Matsyajivi Sahyog Samiti Ltd., Kataiya, Vill.- Kataiya, Circle- Benipatti, District- Madhubani.
8. Vijay Sahni, S/o Sobhit Sahni Vill.- Medhwan, P.S.- Benipatti, District-Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam, AAG 12

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 12-04-2023 Heard learned counsel for the petitioner and learned counsel for the respondent nos. 1 to 6.

The petitioner has filed the instant application for the following reliefs:

“1. That this application on behalf of the petitioner above named, is for issuance of a writ in the nature of certiorari and/any other appropriate writ on writs or order or direction, is for quashing of order dated 13.06.2019 issued under Memo No. 335 by the District Fisheries Officers cum Chief Executive



Officer (Respondent no.5) whereby and where under the Raiyati Lands of petitioner appertaining to Khata No.- 283 Plot No.-2124, Area- 1 Bigha, 2 Katha, Khata No.- 306, Plot No.- 2125, area 19 katha, 14 Dhur, Khata No.- 306, Plot No.- 2126, Area- 3 Katha, Khata No- 287, Plot No.- 2123, Area- 9 Katha, 4 Dhur has illegally been settled in favour of Respondent No. 8 without following due procedure as laid down in the Bihar Fish Jalkar Management Act and during pendency of this writ application, stay the impugned order dated 13.06.2019 issued under Memo no. 335 by the District Fisheries Officers cum Chief Executive Officer (Respondent No. 5) and restrain the respondent no. 8 from taking possession of lands as described herein above.”

Having heard learned counsel for the parties and having perused the order of settlement as stated by the petitioner which was done by the respondent authorities in favour of respondent no.8, it transpires that the period of settlement has already expired, the same being from 1.7.2019 to 30.6.2022.

At this stage it is submitted by learned counsel for the petitioner that though the period of settlement may have expired but the private respondent no.8 came in possession of the pond which is on the raiyati land of this petitioner pursuant to the illegal settlement done by the District Fisheries-cum-Chief Executive Officer (respondent no.5) and in pursuant thereto he continues in possession even today.



Learned counsel further submits that the petitioner already filed a representation dated 24.1.2023 (Annexure-4) addressed to the Circle Officer, Benipatti narrating his case in detail and requesting that his raiyati land be removed from the sairat register to avoid any complications in future.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the submissions made and the material on record, this writ application is disposed of with the following directions:

(1) The petitioner will file a fresh representation before the Circle Officer, Benipatti, Madhubani (respondent no.6) also enclosing with the same a copy of the earlier representation dated 24.1.2023 (Annexure-4).

(2) The Circle Officer shall proceed to decide the representation of the petitioner in accordance with law after hearing all the parties likely to be effected within a period of three months of receipt of the said representation.

(3) In case the petitioner is effected by the decision of the respondent no.6, he will be at liberty to challenge the same in accordance with law.

(Partha Sarthy, J)

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