

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10291 of 2015

=====

Birendra Kumar Singh Son of Sri Bahadur Singh, Resident of Village -
Daridih, P.S. Bhabua, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Kaimur at Bhabua.
2. Deputy Collector of Land Reforms, Kaimur at Bhabua
3. Block Development Officer, Kaimur at Bhabua.
4. Circle officer, Kaimur at Bhabua.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Tribhuvan Narayan, Adv.
For the Respondent/s : Mr. Suresh Kumar, AC to GP-6.

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 08-08-2023

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

2. The present writ petition has been filed seeking
direction to the respondents to issue/ grant rent receipt to the
petitioner appertaining to Khata No.175, Plot No.479 area 0.69
decimal situated at Mouza Dabadhiya, Revenue P.S. No.289
which was settled to him in the year 2000 and Parwana was also
issued in his favour upon which the petitioner's name was
mutated in Register-II and rent receipt has also been issued.

3. Learned counsel for the petitioner submits that the
petitioner is an Ex-army Man and has filed an application in the
year 1997 before the Collector, Kaimur at Bhabua and following



the proper channel and in the light of notification issued by Government of India, Ministry of Defence bearing letter No.25008/XIIAG/P.S.391/AG-II in the year 1984, the said land having total area 0.69 decimal was allotted to the petitioner on the ground that petitioner was a landless army personnel. He further submits that the Circle Officer, Kaimur at Bhabua after receiving the inspection report of the Circle Inspector as well as Halka Karmchari, has settled the land to the petitioner by virtue of order dated 22.10.1999 passed in Settlement Case No.4 of 1999-2000. In this regard, a public notice was also given on which no objection was received. He also submits that the said settlement was also approved by the Deputy Collector Land Reforms, Bhabua and forwarded to the Additional Collector from where it was forwarded to the Collector, Kaimur and the land was completely settled to the petitioner in accordance with law. Subsequently, parwana and rent receipt were also issued in favour of the petitioner. The settlement order, parwana and rent receipt of the year 2001 are annexed as Annexure Nos.2, 3 & 4 in the writ petition respectively. Learned counsel submits that the problem has started since 2014 when the petitioner got information that Register-II has been prepared in his name but in R.S. Khatian, the name of other persons are there, on which



the petitioner filed an application before the Deputy Collector Land Reforms, Bhabua. Thereafter, no rent receipt was issued to the petitioner and petitioner became completely aggrieved from non issuance of rent receipt.

4. Learned counsel for the State submits that a counter affidavit has been filed in this case and as per the counter affidavit, the stand of the State is that the said plot in question has wrongly been settled with the petitioner as it was found that it is a *raiyati* land belonging to Dhoba Bind Son of Bhagwan Bind, Kapildeo Bind Son of Sheo Nandan Bind, Raghuvendra Bind Son of Laxman Bind and Basudeo Bind Son of Dukhi Bind, all Resident of Village Karmichak under Bhabua Circle. He also submits that the said Khata No.175 is a land of Bihar Government. Learned counsel for the State further submits that vide Misc. Case No.02 of 2015, a recommendation was made for cancellation of the settlement which has been made vide Misc. Case No.04 of 1999-2000 in favour of petitioner with respect to Khata No.175, Khesra No.479, area 0.69 acres.

5. In this background that the State himself admits that right has been created in favour of the petitioner by virtue of order dated 22.10.1999 passed in Settlement Case No.4 of 1999-2000 and subsequently, rent receipt was issued to him for



about 10 years and the process of cancellation has been started under law, no final order shall be passed against the petitioner without granting him adequate opportunity.

As such, the present Writ Petition stands disposed off directing the Collector, Kaimur that the petitioner shall be provided opportunity of hearing in this matter at the level where the present dispute is pending and any final order shall be passed upon granting opportunity to the petitioner as well as the other person whose interest are involved in the said land. It is made clear that till finality of the said decision, the petitioner shall not be disturbed.

6. With this observation and direction, the present Writ Petition stands disposed off.

(Dr. Anshuman, J.)

Ritik/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11/08/2023
Transmission Date	NA

