

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10611 of 2015

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Krishna Prasad Rajak S/o Sri Yugal Rajak, Resident of Village- Bhawanpur,
P.O. and P.S. Jagdishpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Bhagalpur.
3. The Addl. Collector, Bhagalpur.
4. The Sub Divisional Officer, Bhagalpur.
5. The Circle Officer, Jagdishpur, Bhagalpur.
6. The Circle Inspector, Jagdishpur, Bhagalpur.
7. The Halka Karamchari, Jagdishpur, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Rahmatullah, Advocate
For the Respondent/s : Mr. Dhurjati Kr. Prasad, G.P.-14

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 01-08-2023

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

2. The present writ petition has been filed directing
the respondent authority to settle the land under the Bihar
Government Scheme in favour of the petitioner on which the
petitioner is residing by constructing his house for more than 25
years back.

3. Learned counsel for the petitioner submits that
petitioner is constructed a *Jhopri* on a land appertaining to
Revenue Thana No. 418, Khata No. 481 and Plot No. 404 area

14 decimal, Mouza- Jagdishpur, District- Bhagalpur. He further submits that petitioner is residing on the said land since last 25 years and he has approached to the Additional Collector, Bhagalpur but there is no response, then he moved before Janta Darwar and also given to the application to the State Mahadalit Ayog for his grievances. Counsel further submits that petitioner also moved before the Divisional Commissioner, Bhagalpur who has directed the District Magistrate to take action considering the claim of the petitioner. Counsel further submits that it is the decision of the State Government by way of a policy to provide the land to every homeless person acquiring the private land where no government land is available.

4. In the light of the said policy, the petitioner seeks direction from this Court that a direction may be given to the State.

5. Learned counsel for the State submits that counter affidavit has been filed in this case. In the counter affidavit the stand of the State is very clear that petitioner is not comes under the category for which the benefit has to be provided. According to the counter affidavit petitioner is neither homeless nor landless person. It has been submitted that petitioner is an employee and working as Home Guard Jawan as

per the report dated 02.11.2015 submitted by *Rajasv Karamchari*, which is annexed as Annexure- A to the counter affidavit.

6. In this background petitioner is neither a homeless person nor he is a resident of Jagdishpur Gram Panchayat rather he possess a home in Bhawanipur Deshari. Therefore, petitioner is not come within the purview of the policy of the State Government and in the light of the counter affidavit, he cannot be treated as homeless and landless person. Accordingly, the present writ petition is dismissed.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	NAFR
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