

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1489 of 2018

In
Letters Patent Appeal No.87 of 2013

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Randhir Kumar Singh Son of Late Raghubansh Singh, Resident of Village-Rasalpura, P.S.-Doriganj, District-Saran at Chapra (Bihar) the Then Posted as SGT.46 Wing, Air Force (TECH.FIT) Air Force Station, Nal, Bikaner (Rajasthan) at Present Posted as Sergeant, 15 Wing, Air Force Station Bareilly (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar Through Sri Brajesh Mehrotra, Secretary, Land Reforms Department, Bihar, Patna.
2. Sri Narmadeshwar Lal, Divisional Commissioner, Saran Division at Chapra.
3. Sri Subrat Kumar Sen, District Magistrate Saran at Chapra.
4. Sri Ajay Kumar Singh, Regional Development Officer Cum Secretary to The Commissioner, Saran Divisional at Chapra.
5. Sri Arun Kumar Additional Collector, Saran at Chapra.
6. Sri Sanjeev Kumar Deputy Collector Land Reforms, Sadar Chapra, Saran
7. Sri Vijay Kumar Singh Circle Officer, Sadar Block, Chapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the Opposite Party/s : Mr. Md. Khurshid Alam, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 06-11-2023

Today certain certified copies have been placed on record in so far as **Khata No.327** read with **Khesara No.272** and **Khata Nos.489 and 517** respectively.

2. Learned District Magistrate submitted that even though the aforementioned lands are treated as agriculture at the



same time there are no private firm for residential purpose. There is no requirement of conversion of agricultural to non-agricultural land so as to enable to the petitioner to have the benefits of the residential land. Therefore, we have draw inference that petitioner is also permitted to have the benefits of agricultural land for the purpose of construction of residence. The petitioner is hereby directed to exercise his option choosing to anyone of the aforementioned land and apprise the concerned authority so as to take further action in the matter.

3. Learned counsel for the petitioner submitted that the cited land stated to have been gifted to some other person. However, revenue records have not been updated in this regard. The District Magistrate has to ascertain and then proceed to allot to anyone of the land to the petitioner. It is further submitted that one Kishun Bahadur Singh has stated to have been allotted to a particular land which has been opted to the petitioner. On the other hand, official respondents-District Magistrate disputed the issue stating that the opted land on behalf of the petitioner which is stated to have been allotted to Kishun Bahadur Singh is incorrect. The opted land is stated to be consisting to water bodies and it cannot be allotted.



4. Taking note of these facts and circumstances, the District Magistrate is directed to complete the proceeding of allotment of residential land to the petitioner within a period of two months from today. Irrespective of whether petitioner exercise option in choosing one of the land among Khata number and Khesara number cited supra.

5. With the aforesaid observation, the present contempt petition stands dropped deserving liberty to the petitioner to file a Interlocutory Application for revival of this order in the event of non-allotment of the residential land to the petitioner within the time limited stipulated by this Court.

6. The present MJC application is disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Brajesh Kr./Anand Kr.

AFR/NAFR	
CAV DATE	
Uploading Date	08.11.2023
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