

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4044 of 2020

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Ram Krishna Pathak Son of Govardhan Pathak, Resident of Village-
Bishnupur- Chaturbhuj, P.O. Begusarai, P.S. Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar.
2. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar.
3. The District Magistrate, Begusarai.
4. The Additional Collector, Begusarai.
5. The Deputy Collector land Reforms, Begusarai.
6. The Circle Officer, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeet Kumar, Advocate
For the State	:	Mr. Sajid Salim Khan, (SC-25)
		Mrs. Prakritita Sharma, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 22-02-2023

Heard learned counsel for the parties.

The petitioner has filed the instant application for the following relief(s):-

“That the present writ application is being filed for quashing of the order dated 04.07.2018 issued under the signature of District Magistrate, Begusarai and the Additional Collector, Begusarai (signed on 27.06.2018) whereby and where under the Settlement Case No. 04/2006-07, filed by the petitioner, has been rejected without appreciating the provisions contained in concerned decision taken vide letter no. 4/Kha ma Niti- 101/82-4725 Ra dated 16.08.1982 and the facts of the case.



The aforesaid decision of settlement of land, to military personnel, has been rejected on two grounds i.e. the petitioner is owing 2 Katha and 12 dhur of land, rendering him not under the definition of land less and the land proposed to be settled comes under the Municipality hence the said land do not come under the 'Dehati area'. Both the grounds are contrary to the aforesaid decision taken by the State Government to settle the land to the military personnel."

It is the case of the petitioner that the petitioner is a military personnel who retired from the Indian Army. It is the contention of the petitioner that prior to his retirement, while still in service of the Indian Army, in terms of the Government circular, he made an application for settlement of the *gairmazarua* land appertaining to plot no. 378, Khata no. 169 measuring an area of 3 *katha* 4 *dhur*; Thana no. 396 in Mauza-Vishunpur Chaturbhuj. However, the recommendation of settlement of the said land in favour of the petitioner was illegally turned down by the Circle Officer, Begusarai vide order dated 20.3.2018.

Learned counsel appearing for the State submits that although it is true that the petitioner retired from the Indian Army, however, it is submitted that settlement of land to the retired personnel of the Indian Army is guided by the circulars



of the Government. Referring to the circular dated 16.8.1982 (Annexure-A) to the counter affidavit, it is submitted that the conditions required for settlement of land is that the application should have been made by the army personnel while still in service, he should be a landless person and further that the land to be allotted should be in a rural area.

Having heard learned counsel for the parties and taking into consideration the material on record, on perusal of the order impugned dated 20.3.2018 (Annexure-P/2), it transpires that the Circle Officer, Begusarai has rejected the recommendation made for settlement of the land in question in favour of the petitioner on two grounds namely that the land in question is not in a rural area and that the petitioner is not a landless person.

The Court finds no illegality in the order impugned dated 20.3.2018 (Annexure-P/2). There being no merit in the instant application, the same is dismissed.

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.02.2023
Transmission Date	

