

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7784 of 2021

Shankar Rajwanshi S/o Satish Chandra Rajbanshi R/o Pirpaiti Bazar, P.S. -
Pirpaiti, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary.
2. The Divisional Commissioner, Bhagalpur.
3. District Magistrate, Bhagalpur.
4. The Additional District Magistrate, Bhagalpur.
5. The S.D.O., Khalgaon.
6. Circle Office, Pirpaiti
7. The Officer In charge Police Station Pirpaiti.
8. Manoj Kumar @ Munna Goswami 1539753P (Signalman) S/o Late Late
Kartik Mishra R/o Mohalla Pirpaiti, Police Bazar P.S. - Pirpaiti, District-
Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate
For the respondent no.8	:	Mr. Bindhyachal Singh, Sr. Advocate
		Mr. Smriti Singh, Advocate
		Mr. Vipin Kumar Singh, Advocate
		Mr. Kumar Awnish Ankit, Advocate
For the State	:	Mr. Birendra Prasad Singh, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 24-10-2024 Heard learned counsel for the petitioner, learned AC to

SC-19 and the learned Senior Counsel appearing on behalf of

the private respondent.

2. The learned counsel appearing on behalf of the
petitioner submits that CWJC No.5117 of 2009 was filed by the
respondent no.8 (Manoj Kumar @ Munna Goswami) herein.
The CWJC No.5117 of 2009 was filed challenging the order
dated 25.03.2009 passed by the Divisional Commissioner,



Bhagalpur by which the Divisional Commissioner had directed for cancellation of the settlement of land made in favour of Manoj Kumar for an area 1.58 acres of land.

3. It is submitted that Manoj Kumar had fought the Kargil war and had sustained injuries, thus had applied for settlement of land whereupon an enquiry was conducted by the Circle Officer and it was found that the land bearing Khata No.837, Plot No.1356, Area 1.58 decimals has been recorded as Anabad Bihar Sarkar, it was also found during the enquiry that the land was not settled with any person, hence the land was settled in favour of Manoj Kumar and thereafter the litigations started.

4. It is submitted that the petitioner in the instant writ application was impleaded as respondent no.8 in CWJC No.5117 of 2009 who claimed that he along with other are refugees from Bangladesh and they had come to India in the year 1958-59 in group of 500 refugees, from the transit camp at Motihari and they were shifted to various places and a group of six families of the refugees, were shifted to Pirpainti (Bhagalpur) during 1959-60 and they were settled land measuring 11.73 acres acquired by the State under a Gazette notification, the further case of the petitioner herein in CWJC



No.5117 of 2009 was that the land settled in favour of Manoj Kumar is part of the plot measuring 11.73 acres settled with the refugees.

5. The learned counsel for the petitioner further submits that in sum and substance the controversy which required adjudication in CWJC No.5117 of 2009 was that whether the land settled in favour of Manoj Kumar was part of the land which was settled with the refugees of Bangladesh including the petitioner herein.

6. The learned counsel for the petitioner next submits that this Court by order dated 18.09.2014 in CWJC No.5117 of 2009 set the order dated 25.03.2009 passed by the Divisional Commissioner, Bhagalpur and remanded the matter back to the Divisional Commissioner, Bhagalpur to pass an appropriate order within a period of three months. It is submitted that in pursuance of the said order dated 18.09.2014 in CWJC No.5117 of 2009 the Divisional Commissioner, Bhagalpur passed the order dated 01.07.2020 which is impugned in the instant writ application.

7. At this stage, the learned Senior Counsel appearing on behalf of the private respondent (Manoj Kumar @ Munna Goswami) submits that there is no infirmity in the order



impugned i.e. 01.07.2020 passed by the Divisional Commissioner. It is next submitted that from perusal of the order dated 01.07.2020, it would manifest that the same records:

In pursuance of the order passed by the Hon'ble High Court, Patna in C.W.J.C NO. 5117/2009 on 18-09-2014, the petitioner Shri Shankar Rajbanshi has filed a petition for conducting a hearing on 22-02-2020. This matter basically relates to a policy decision of the Govt. of India, wherein refugees from East Pakistan were required to be given land acquired by the Govt. for their settlement. Accordingly in Pirpainti circle of Bhagalpur District, Mouza-Manikpur, Khata No. 837, khesra No. 1356 was reportedly acquired for settlement of six refugee families which has subsequently become the subject matter of litigation between several families regarding possession of land. In this matter several court cases and LPA's have been filed in the Hon'ble High Court, Patna by different parties from time to time. Further It has been reported vide Letter No. 1688/Revenue dated- 02.06.2020 of the District Magistrate Bhagalpur that the land in question was acquired



for the settlement of several refugee families in the year 1960-61. Further one of the refugee family of Shri Shankar Rajbanshi and others has reportedly filed a C.W.J.C No. 1298/2017 again in Hon'ble High Court, Patna which is pending presently.

In view of the above facts and circumstances of the case as the matter is still sub-judice, the petition of Shri Shankar Rajbanshi in this matter is hereby dismissed.

8. The learned Senior Counsel for the private respondent further submits that since one of the refugee family of Shankar Rajbanshi and other had filed CWJC No.12918 of 2017 before this Court which is pending adjudication as such the Divisional Commissioner dismissed the application of Shankar Rajbanshi, on the ground that the matter is still subjudice. It is further submitted that the Divisional Commissioner, Bhagalpur came to a considered conclusion that it would not be proper to adjudicate the dispute when similar matter is pending adjudication before this Court in CWJC No.12918 of 2017, hence the Commissioner rightly did not adjudicate the case on merits and dismissed the case awaiting the orders of this Court in CWJC No.12918 of 2017.



9. At this stage, the learned counsel appearing on behalf of the petitioner realizing his difficulty seeks permission to withdraw the writ application with liberty to challenge the order dated 01.07.2020 passed by the Divisional Commissioner, Bhagalpur after disposal of CWJC No.12918 of 2017, if need arises.

10. Permission is accorded.

11. Accordingly, the writ application is dismissed as withdrawn.

(Satyavrat Verma, J)

Prakash Narayan

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