

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9402 of 2015

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Bishnu Ram son of Late Ram Adhar Ram resident of Village - Purhara, P.O.-
Barhari, Police Station- Kargahar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department , Government of Bihar, Patna.
3. The Under Secretary to the Government , Water Resources Department , Government of Bihar, Patna.
4. The Chief Engineer , Water Resources Department , Dehri.
5. The Superintending Engineer, Water Resources Circle , Dehri.
6. The Executive Engineer, Water Resources Division, Dehri.
7. The Sub-Divisional Engineer, Water Resources Division, Dehri.
8. Principal Chief Conservator of Forest, Department of Forest, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate
For the Respondent/s : Mr. Ram Vinay Singh, AC to GA 12

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 16-01-2024 Heard learned counsel for the parties.

2. This writ application has been filed for directing the respondent authorities to settle/renew the settlement of Canal Chat land with the petitioner and other villagers and to quash the Letter No. 362 dated 19.03.2014 issued under the signature of the respondent No. 3 whereby direction has been given to hand over the Chat land to the Forest Department for plantation cancelling the settlement of the same.

3. Learned counsel for the petitioner submits that



there is large area of vacant agricultural land on both the sides of the Sone Canal. The State of Bihar framed Bihar Chat Land Settlement Rules, 2007 for settlement of the Canal Chat land to the eligible persons and by Notification No. 422 dated 29.06.2007 the rate of rent and annual increment in the rent was also notified. The said Rules, 2007 has been repealed by framing a new Rules, 2010 replacing the earlier rule by making changes in the procedure of settlement. It is further submitted that 30 decimal of the Canal Chat land was settled with the petitioner for agriculture purpose for the year 2011-12, 2012-13 and 2013-14 and rent of the land was paid to the Executive Engineer, Water Resources Department, Dehri *vide* Rent receipt dated 02.08.2011. After expiry of the valid period, the petitioner and other settlees approached to the Respondent Nos. 6 and 7 for renewal of the said settlement with them for next three years but Respondent Nos. 6 and 7 refused to do so and in spite of repeated reminders the land in question has not been settled with the petitioner and other settlees.

4. By way of filing counter affidavit, learned counsel for the respondents submits that settlement of the canal chat/lands of the Water Resources Department is not a welfare scheme of the Government, rather the settlement was done only



with a view to generate some revenue from the canal chat/lands which remain unutilised for some months in the year. For this purpose the Government issues certain instructions/guidelines from time to time. He next submits that the petitioner and some other villagers were settled with some canal chat land under the provisions of the Bihar Canal Chat/Land Settlement Rules, 2010 by the concerned Assistant Engineer in the year 2011 for a period of three years and thus the period of settlement expired in the year 2014 itself. He further submits that in the meantime, the State Government in its Water Resources Department took a policy decision to hand over the Canal Chat lands to the Forest Department for plantation taking into consideration the environmental interest of the citizens. Accordingly, the Chief Engineer, Water Resources Department, Dehri was directed *vide* Departmental Letter No. 362 dated 19.09.2014 to hand over the chat land to the Forest Department for plantation after expiry of the period of settlement. The said direction was circulated to all the Chief Engineers of the Department vide Letter No. 177 dated 17.03.2015 and in pursuance of the same, the aforesaid lands were not re-settled to the petitioner and other villagers.

5. Having perused the submissions made on behalf of the parties and materials available on record, it is not in dispute



that the land in question belongs to the Water Resources Department, Dehri and it is also not in dispute and the land was settled with the petitioner and other villagers for a limited time period which has already been expired. The said canal chat land cannot be settled for entire life of a settlee. The petitioner and other villagers cannot have any right and title over the said after expiry of the period of settlement.

6. This writ petition has got no merit and is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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