

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9485 of 2022

Chandradeo Paswan, son of Late Ramprit Paswan, resident of Village-Sherpur, Police Station-Bhagwanpur, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms, Bihar, Patna.
2. The Collector, Begusarai.
3. The Additional Collector, Begusarai.
4. The Sub Divisional Officer, Teghra, District-Begusarai.
5. The Deputy Collector, Land Reforms, Teghra, District-Begusarai.
6. The Circle Officer, Bhagwanpur, District-Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Mishra, Advocate Mr. Jitendra Kumar, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam (AAG-12)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-02-2024 Heard the parties.

2. The present petition has been preferred for following reliefs:

(i) a Writ in the nature of Certiorari be issued for quashing of the letter No. 701 dated 25/3/2022 (Annexure-7) issued by the respondent Additional Collector, Begusarai, whereby the respondent authority on the basis of wrong report has declined to order for settlement of land measuring 14 Khathas 10 dhurs under Khata No. 140 Khesra No. 833, Mouza- Sherpur, Thana No. 290 which is under the actual physical possession of the petitioner's family from last several years;

(ii) a further order/direction be issued commanding the respondents authorities not to



disturb the possession of the petitioner in any manner with respect to the land detailed above.

3. It is the case of the petitioner that he has served the Central Reserve Police Force (CRPF) and had earlier represented before the respondent, the District Magistrate Begusarai for settlement of a particular land under Mouja-Sherpur which is a 'Gair Mazarua' land. According to him, the Circle Officer, Bhagwanpur had made recommendation and when the matter ultimately went up to the Additional Collector, Begusarai vide letter no. 701 dated 25.03.2022, the respondent authority came to the conclusion that it is a ditch which is used for fisheries purposes and in the light of letter no. 655 dated 16.06.2016 as also the letter no. 1063 dated 19.08.2019 issued by the Revenue & Land Reforms Department, Bihar, Patna, the same cannot be transformed/settled. Accordingly, the file was returned. He as such submits that the recommendation made by the Circle Officer, Bhagwanpur should have been accepted by the respondent no. 3 allotting the land to him.

4. Learned State Counsel, on the other hand, submits that contrary to the submission put forward by the learned counsel for the petitioner, his case has not been rejected rather the Additional Collector has opined that this particular land which is a ditch cannot be settled in his favour in view of the



guidelines of the Revenue & Land Reforms Department, Bihar.

5. Learned counsel for the petitioner, at this stage submits that he has made an additional prayer for alternative settlement of plot for which sympathetic consideration be given.

6. This Court is convinced that so far as the land as described in the letter no. 701 dated 25.03.2022 issued by the Additional Collector, Begusarai is concerned, the same being ditch, cannot be settled to the petitioner in view of the letters issued by the Revenue and Land Reforms Department, Bihar, Patna and the learned Additional Collector has rightly returned the file. The order needs no interference.

7. So far as the alternative prayer is concerned, the Court is of the opinion that he may be given sympathetic consideration considering the fact that he had served 'the CRPF'. The same can be considered by the respondent no. 2, the Collector, Begusarai after seeking appropriate report from the respondents and an order be passed, if the petitioner makes any representation in this regard.

6. The writ petition accordingly stands disposed of with a direction that if the petitioner prefers a representation for settlement of any alternative plot within four weeks from today, the respondent no. 2, the Collector, Begusarai shall consider the



same and take a decision/pass a reasoned order within a period
of next three months.

(Rajiv Roy, J)

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