

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7842 of 2009

- 1.1. Most. Keshampati Devi W/o Late Janardan Prasad Singh, Resident of Village- Bistol, P.O. - Kumhwan, P.S. - Jahanabad, District - Jahanabad, at Present Residing at Road No. 1, Sidharth Puri Colony, Manpur, Buniyadganj, Manpur, P.S. - Manpur, District - Gaya, Bihar- 823003.
- 1.2. Arun Kumar Singh, Son of Late Janardan Prasad Singh, Resident of Village- Bistol, P.O. - Kumhwan, P.S. - Jahanabad, District - Jahanabad, at Present Residing at Road No. 1, Sidharth Puri Colony, Manpur, Buniyadganj, Manpur, P.S. - Manpur, District - Gaya, Bihar- 823003.
- 1.3. Alok Kumar Singh, Son of Late Janardan Prasad Singh, Resident of Village- Bistol, P.O. - Kumhwan, P.S. - Jahanabad, District - Jahanabad, at Present Residing at Road No. 1, Sidharth Puri Colony, Manpur, Buniyadganj, Manpur, P.S. - Manpur, District - Gaya, Bihar- 823003.
2. Lalan Singh @ Lalan Pd. Singh Son of Late Sukhdeo Singh, Resident of Village - Bistol, P.O.- Kumhwan, P.S.- Jehanabad, District - Jehanabad.
3. Upendra Singh @ Upendra Kumar Singh Son of Late Sachchida Nand Singh, Resident of Village - Bistol, P.O.- Kumhwan, P.S.- Jehanabad, District - Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
5. The Commissioner, Magadh Division, Gaya.
6. The Collector, Jehanabad.
7. The Additional Collector, Jehanabad.
8. The Sub-divisional Officer, Jehanabad.
9. The Deputy Collector, Land Reforms, Jehanabad, District - Jehanabad.
10. The Circle Officer, Jehanabad Circle, Jehanabad, District - Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shanti Pratap, Advocate
For the Respondent/s : Mr Vinita Singh, S.C.-28

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

26 13-02-2024

Heard Mr. Shanti Pratap, learned counsel for the



petitioners and Mrs. Vinita Singh, SC-28 who represent the State.

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

(i) for commanding the respondents to settle the land of C.S 53½ khata No. 167, plot No. 952, area 831 decimals Village Bistol, Circle - Jehanabad, District with the petitioners at an early date. situated in Jehanabad;

(ii) for commanding the respondents not to charge any cost for the purpose of settlement of the aforesaid land with the petitioners as the same is pending with the State Govern- ment from more than two decades.

(iii) for holding that the impugned non-consideration of claim of the petitioners in the matter of settlement of of the aforesaid land with the petitioners is illegal, arbitrary, malafide and without any lawful justification;

3. After a long journey of this writ petition since 2009 which included the appearance of the Principal Secretary of the Revenue and Land Reforms Department, Government of Bihar Patna, finally a third supplementary counter affidavit on behalf of the State-respondent has been filed and it is important to incorporate paragraph 6 of the counter affidavit.



“6. That the above-mentioned Memo 1192 dated 15.12.2023 has been duly issued by the Department regarding settlement of 36 dismil of Gair Mazrui Malik land situated at Mouza-Bistaul, Thana No.-401, Khata no.-167, Khesra no.-952 of 53.50 dismil to Mr. Bachhu Bihari Singh who is s/o Late Mr. Ram Vilas Singh, Mr. Lallan Singh who is s/o Late Mr. Sukhdev Singh and Mr. Upendra Singh who is s/o Late Sacchinand Singh in lieu of Raiyati land, donated by registered documents to the Government of Bihar by them, situated at Mouza-Bistaul, Thana No.-401, Khata no.-151, 148, Khesra no.-950,1374, Rakba-36 decimals.

4. Learned counsel for the petitioners submit that as per the prayer, they were settled with 53 and 1/2 dismals of land but bare perusal of Annexure-6 would show that only 36 decimals settled with them.

5. Mrs. Vinita Singh, learned counsel for the State, on the other hand, submits that the petitioners had gifted 36 decimals of land in lieu of that 36 decimals of land have already been settled with them and the claim of 53 and 1/2 decimals of land is/are baseless.

6. Mr. Santi Pratap, learned counsel for the petitioners submit that the petitioners were promised 53 and 1/2 decimals



of land but finally after decades, they have been settled with only 36 decimals of land and in that backdrop, for rest of the 17 and 1/2 decimals of land, he shall be pursuing the matter before an appropriate authority.

7. In that view of the matter, the writ petition stands disposed of with the aforesaid liberty.

(Rajiv Roy, J)

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