

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11257 of 2024

Manju Devi W/o Nageshwar Roy R/o- Vill.- Itwa English, P.S.- Dariapur,
Distt.- Saran (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate, Saran.
3. The Sub- Divisional Officer, Saran.
4. The Deputy Collector Land Reform, Saran.
5. The Circle Officer, Dariapur, Saran.
6. The Station House Officer, Dariapur, Saran.
7. Ramjee Rai, Son of Late Ramnath Rai Resident of Village- Itwa English, P.S.- Dariapur, Distt.- Saran (Bihar).
8. Sheo Kumar Rai, S/o Ramnath Roy Resident of Village- Itwa English, P.S.- Dariapur, Distt.- Saran (Bihar).
9. Krishna Rai, S/o Girija Rai Resident of Village- Itwa English, P.S.- Dariapur, Distt.- Saran (Bihar).
10. Bhikham Rai, S/o Late Japu Rai Resident of Village- Itwa English, P.S.- Dariapur, Distt.- Saran (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Waliur Rahman, Advocate Mr. Nishant Kr. Sinha, Advocate Mr. Alok Chandra, Advocate
For the Respondent/s	:	Mr. Rajat Kumar Tiwary, AC to AAG-13

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 30-07-2024

Heard learned advocate for the petitioner as well as
learned advocate for the State.

2. The petitioner happens to be daughter-in-law of Late Devnarayan Rai who has been allowed 0.03 decimal of land in a Basgit Parcha Case No.-02/1993-1994 considering him as a privileged person; accordingly, Basgit Parcha was issued on 15.08.1995 under the signature of the Sub Divisional Officer as



well as Circle Officer of the concerned Circle.

3. Learned advocate for the petitioner contended that after issuance of Basgit Parcha, the name of the father-in-law has been mutated and on payment, rent receipt was also issued.

4. Despite issuance of Basgit Parcha, the private respondents did not allow the father-in-law of the petitioner to enjoy the land and made all kind of hindrances till his death and now after the demise of father-in-law, the petitioner has been bonafidely pursuing all the legal remedies. The petitioner also filed complaint before the Collector, Saran at Chapra.

5. The Collector, Saran at Chapra vide its order dated 11.07.2023 considering all the materials on record directed the Circle Officer, Dariapur to demarcate the land in dispute and ensure the possession in accordance to their respective boundary.

6. In the light of the aforementioned order, the petitioner approached before the Circle Officer with a request to get the land in question demarcated and restore her possession. Despite the request neither the demarcation has been done nor the possession has been restored.

7. Subsequently to the utter surprise of the petitioner, the Circle Officer in the light of the order passed by the District



Collector, opted a noble method to get the signature of the petitioner and the private respondent on a piece of paper showing amicable settlement that the parties will resolve the dispute by making demarcation through private amin. The paper showing settlement is marked as Annexure-11 to the writ petition.

8. The aforesaid fact is refuted by the petitioner with all vehemence; it is contended that the signature on the amicable settlement was not a willful signature rather it was obtained on a pretext that the order of the District Magistrate shall be executed later on.

9. Learned advocate for the petitioner adverting to the aforesaid fact contended that the entire dispute has again been put to the initial stage by turning the entire episode in an amicable settlement, which was not the willful settlement at all. In the aforesaid premise, the petitioner approached before the Circle Officer and requested to execute the order of the District Magistrate but he refused to take any action. Having found no way out the petitioner approached this Court by filing the present writ petition.

10. Learned advocate for the State on the other hand submitted that it is the petitioner who himself entered into an



amicable settlement to get the land measured through private amin and get their respective possession.

11. Regard being had to the submissions made on behalf of the parties and considering the unusual circumstances of the present matter, this Court deems it proper to direct the petitioner to approach before the District Collector, Saran at Chapra by filing a detailed representation along with necessary papers preferably within a period of two weeks from today.

12. If such a representation is filed, the District Magistrate shall consider the claim of the petitioner by taking a pragmatic approach that the petitioner is a rustic, illiterate lady having no proper understanding and dispose of the representation by taking into consideration its earlier order dated 11.07.2023, the copy of which is marked as Annexure-P/5.

13. The aforesaid exercise must be completed preferably within a period of four weeks.

14. The writ petition stands disposed off.

(Harish Kumar, J)

durgesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2024
Transmission Date	NA

