

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10566 of 2023

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1. Nathun Bhuiyan S/o Late Munsu Bhuiyan Resident of Village Laru Tola Patalbigha, P.O. Dema, P.S. and Anchal Mohanpur, District- Gaya.
 2. Nand Kishore Bhuiyan, S/o Late Munsu Bhuiyan Resident of Village Laru Tola Patalbigha, P.O. Dema, P.S. and Anchal Mohanpur, District- Gaya.
 3. Ramdahin Bhuiyan, S/o Late Munsu Bhuiyan Resident of Village Laru Tola Patalbigha, P.O. Dema, P.S. and Anchal Mohanpur, District- Gaya.
 4. Basant Bhuiyan, S/o Kailash Bhuiyan Resident of Village Laru Tola Patalbigha, P.O. Dema, P.S. and Anchal Mohanpur, District- Gaya.
 5. Tetar Manjhi, S/o Butta Bhuiyan Resident of Village Laru Tola Patalbigha, P.O. Dema, P.S. and Anchal Mohanpur, District- Gaya.
 6. Sheonandan Manjhi, S/o Late Bneshwari Bhuiyan Resident of Village Laru Tola Bandu Bigha, P.O. Dema, P.S. and Anchal Mohanpur, District- Gaya.
 7. Rahunandan Bhuiyan, S/o Late Bneshwari Bhuiyan Resident of Village Laru Tola Bandu Bigha, P.O. Dema, P.S. and Anchal Mohanpur, District- Gaya.
 8. Binod Manjhi S/o Late Bneshwari Bhuiyan Resident of Village Laru Tola Bandu Bigha, P.O. Dema, P.S. and Anchal Mohanpur, District- Gaya.
 9. Rajkumar Manjhi, S/o Late Bneshwari Bhuiyan Resident of Village Laru Tola Bandu Bigha, P.O. Dema, P.S. and Anchal Mohanpur, District- Gaya.
 10. Rohan Bhuiyan, S/o Late Govind Bhuiyan Resident of Village Laru Tola Bandu Bigha, P.O. Dema, P.S. and Anchal Mohanpur, District- Gaya.
 11. Feku Bhuiyan, S/o Late Govind Bhuiyan Resident of Village Laru Tola Bandu Bigha, P.O. Dema, P.S. and Anchal Mohanpur, District- Gaya.
 12. Prasadi Bhuiyan, S/o Late Sukaran Bhuiyan Resident of Village Laru Tola Bandu Bigha, P.O. Dema, P.S. and Anchal Mohanpur, District- Gaya.
 13. Rajendra Paswan, S/o Late Chander Godait Resident of Village Laru, P.O. Dema, P.S. Mohanpur, District- Gaya.
 14. Santosh Paswan, S/o Late Chander Godait Resident of Village Laru, P.O. Dema, P.S. Mohanpur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Gaya.
2. The Collector, Gaya.
3. The Sub- Divisional Officer, Sherghati, District- Gaya.



4. The Circle Officer, Mohanpur, District- Gaya.
5. Chandrika Singh, S/o Late Mathura Singh Resident of Village Ladu, P.O. Dema, P.S. and Anchal Mohanpur, District- Gaya.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ankit Katriar, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, G.P.-18

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-04-2024 Heard Mr. Ankit Katriar, learned Counsel for the

petitioners and the State.

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

*(i) for issuance of a writ in the nature of
a writ of a mandamus or any other appropriate
writ / order / direction upon the respondent
authorities to grant an opportunity of hearing to
the petitioners (settlee raityats) in the proceedings
undertaken in pursuance of the orders passed in
the aforesaid C.W.J.C. No. 4394 of 1986 and
M.J.C. No. 478 of 2021 and, after hearing the
parties, pass final orders in the matter, holding the
acquisition and parwanas issued to the petitioners
as true and correct, and protecting the possession
of these petitioners as a bonafide settlers.*

(ii) for issuance of a writ in the nature of



a writ of a mandamus or any other appropriate writ / order / direction for directing the respondent authorities not to disturb the possession of petitioners over the subject property till the adjudication of the issue attains finality.

3. The case of the petitioner is that pursuant to the order passed by Patna High Court in C.W.J.C. No. 4394 of 1986 (Chandrika Singh & Ors. vs The State of Bihar & Ors.), the matter is being heard by the Additional Collector, Gaya. He submits that the petitioners being the holder of the land presently, they are also entitled to be heard.

4. Learned State Counsel points out that neither in the said writ petition earlier nor at any point of time the petitioners took up the matter claiming their rights over the land.

5. Mr. Katriar, learned Counsel for the petitioner submits that he will be approaching the concerned authority with all the relevant documents so that opportunity may be granted to them also to be heard.

6. This Court is afraid no direction can be issued to the concerned authority, the petitioners have never approached any respondents earlier.

7. However, they are free to take up their matter



independently if they claim that the land in question is presently
in their possession.

8. The writ petition stands disposed of.

(Rajiv Roy, J)

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