

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12435 of 2024

Kunma Devi, Wife of Jagdev Paswan @ Jagdev Gorait, Resident of Village- Sobh, P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Gaya.
2. The Additional Collector, Gaya.
3. The Sub Divisional Officer, Sherghati, Gaya.
4. The DCLR, Sherghati, Gaya.
5. The Circle Officer, Barachatti, Gaya.
6. Gauri Devi, Wife of Suraj Deo Singh, Resident of village- Sobh, P.S.- Barachatti, District- Gaya.
7. Meena Devi, Wife of Jai Ram Yadav, Resident of Village- Sobh, P.S.- Barachatti, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate
For the Respondent/s : Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-09-2024 Heard Mr. Binod Kumar Sinha, learned Advocate for the petitioner and Mr. Sanjay Kumar, learned Advocate for the State.

2. The petitioner by invoking the jurisdiction of this Court seeking a direction upon the respondents to create jamabandi in the name of the petitioner, pursuant to the land settlement Parwana No. 4 of 1993-94. The petitioner also sought a direction to ensure payment of compensation to the petitioner on account of unauthorized acquisition of the part of the area of 18 decimal land, by the respondent authorities and constructed road, Anganwadi Centre and passenger shed over it.

3. Learned Advocate for the petitioner contended that



the land in question was settled with the petitioner vide Settlement Case No. 34 of 1993-94. The Parwana was issued in the name of petitioner under the signature of SDO, DCLR, Sherghati and Circle Officer, Barachatti, Gaya and the annual rent of the land has also been settled.

4. After the settlement of the land, the petitioner has been continuously coming in peaceful possession of the land, however, despite the aforesaid fact, the State officials in collusion with some of the local representatives have constructed road, Anganwadi Centre, as well as passenger shed over the part of the land in question.

5. The petitioner made severe protest and also filed several representation for compensation, but the same has not been paid. It is also contended that an application has also been filed before the DCLR, Sherghati, Gaya for creation of jamabandi and issuing the rent receipt in favour of the petitioner. The said application of the petitioner was forwarded to the Circle Officer, Barachatti vide letter no. 679 dated 12.10.2023 for necessary action but till date nothing has been done, compelling the petitioner to approach before this Court.

6. On the other hand, learned Advocate for the State contended that since the matter is pending before the Circle Officer, Barachatti, who is the competent authority to consider



the claim of the petitioner and pass necessary order.

7. Regard being had to the submissions made on behalf of the learned Advocate for the respective parties and taking note of the fact that the matter is pending before the Circle Officer, Barachatti, the present writ petition stands disposed off with a direction to the respondent no. 5 to consider the application of the petitioner as also the recommendation made by the DCLR, Sherghatti and pass necessary order preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

8. So far the grievance of the petitioner with regard to the compensation on account of unauthorized construction over the land of the petitioner is concerned, the petitioner is at liberty to file an appropriate application before the District Magistrate, Gaya, who shall look into the matter and after getting an inspection report, shall pass a reasoned and speaking order within the afore-noted stipulated period.

9. The writ petition stands disposed off with the aforesaid direction.

(Harish Kumar, J)

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