

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16465 of 2022

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1. Chhanguri Paswan S/o Late Kanamu Paswan Resident of Village- Chandrahi, P.O.- Chandrahi, P.S.- Dhamdaha, District- Purnea.
 2. Biranchi Rishi S/o Kusumlal Rishi Resident of Village- Nandgram, P.S.- Dhamdaha, District- Purnea.
 3. Kamleshwari Rishi S/o Bodhi Rishi Resident of Village- Chandrahi, P.O.- Chandrahi, P.S.- Dhamdaha, District- Purnea.... ... Petitioner/s

Versus

1. The State of Bihar through its Secretary, Revenue and Land Reforms Department.
 2. The Collector, Purnea.
 3. The Circle Officer, Dhamdaha.
 4. The Land Reforms Deputy Collector, Sadar, Purnea.... ... Respondent/s
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Appearance :

For the Petitioner/s : Mr. Raj Narayan Mishra, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 09-09-2024

Heard learned counsel for the petitioners and learned
counsel for the States.

2. The writ application has been filed for the following
reliefs:

(i) For issuance of appropriate writ in the nature of
mandamus seeking direction to Respondents to restrain
encroachers from grabbing the land of petitioners having its Khata
No. - 233, Khesra No. - 878 having an area of 1 Acres each in the
name of petitioners which they got on the basis of Parwana and
Jamabandi was also created in their name and they have been



paying the rent for the same since long time but they are being threatened to dispossess.

(ii) For issuance of appropriate writ in the nature of mandamus seeking direction to Respondents to take alternative arrangement if any during the pendency of writ petition he dispossessed as they are poor and landless persons and considering their status red card were issued in their name and they have been coming in possession since long time but Authority without considering long possession and any alternative arrangement they are trying to throw out over the land without any fault which is violation of article 300A of constitution of India.

(iii) For any other relief or reliefs for which petitioners are entitled for.

3. Learned counsel for the petitioners submits that the lands in question have been settled by the Government in the year 1991 and after settlement of the land in question, the petitioners are using the land in question for agriculture purpose.

4. A counter affidavit has been filed on behalf of the respondent-State submitting therein that in terms of the order dated 24.09.2005 passed by the learned Member, Board of Revenue, Patna in Revision Case No. 11 of 2005, the land in question was excluded from acquisition notification No. 2770 dated 16.07.1990



which was published on 18.07.1990 and thereafter De-notification No. 138 dated 23.10.2006 which was published in the District Gazette, Purnea Extraordinary Issue No.13 dated 31.10.2006 by which the land in question of the petitioners have been excluded from that notification and in the aforesaid case, the petitioners were made opposite parties in the case and after hearing all the concerned, the learned Member, Board of Revenue, Patna, has passed the order in Revision Case No. 11 of 2005. From a bare perusal of the pleading of the writ application, the petitioners have not challenged the order dated 24.09.2005 passed in Revision Case No. 11 of 2005 and even the petitioners have not made the party to the petitioners of Revision Case No.11 of 2005 and even the petitioners have not challenged the order of the learned Member, Board of Revenue passed in Revision Case No.11 of 2005 in the present writ application and it appears that the land in question has already been excluded by the State-Government.

5. In view of the aforesaid, no case is made out for interference and there is no merit in the writ application. It is, accordingly, dismissed.

(Rajesh Kumar Verma, J)

Nitesh/-Harshita

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.09.2024
Transmission Date	NA

