

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16561 of 2022

1. Vikash Kumar Jha Son of Kali Chandra Jha Resident of village Manpaur, P.S.- Benipatti, District - Madhubani.
2. Kunal Kumar Jha, Son of Dilip Jha, Resident of village Manpaur, P.S.- Benipatti, District - Madhubani.
3. Anand Chandra Thakur, Son of Late Amindra Thakur, Resident of village Manpaur, P.S.- Benipatti, District - Madhubani.
4. Pitambar Thakur, Son of Late Krishan Chandra Thakur, Resident of village Manpaur, P.S.- Benipatti, District - Madhubani.
5. Vindeshwar Yadav, Son of Lattar Yadav, Resident of village Manpaur, P.S.- Benipatti, District - Madhubani.
6. Bhogi Yadav, S/o Kishunlal Yadav, Resident of village Manpaur, P.S.- Benipatti, District - Madhubani.
7. Bhogendra Jha, S/o Late Chandra Kant Jha, Resident of village Manpaur, P.S.- Benipatti, District - Madhubani.
8. Shivendra Yadav, Son of Devan Yadav, resident of village - Kesuli, P.S.- Benipatti, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Madhubani.
3. The Additional Collector, Madhubani.
4. The District Fisheries Officer, Madhubani.
5. The D.C.L.R. Benipatti, District - Madhubani.
6. The C.O. Benipatti, District - Madhubani.
7. Rajesh Kumar Yadav, S/o - Late Subodh Narayan Yadav, resident of Village - Kataiya, P.S. - Benipatti, District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam, AAG-12

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

10 06-05-2024 Heard learned counsel for the petitioners and the
State.

2. The petitioners have prayed for the following



reliefs:

(i) for quashing the settlement of pond contained in letter no. 1063 dated 12.09.2022 appertaining to Khata No. 811, Khesra No. 2300 an-area 3.95 (4 Bigha 10 Katha 18 Dhur) for the year 2022-23 situated in Mauza Manpaur of Benipatti Block, District Madhubani by the district fisheries officer, Madhubani in favour of private respondents no. 7 ignoring the order dated 09.07.2008 passed in C.W.J.C No. 8874 of 2005 and analogous cases by Hon'ble Patna High Court holding that settlements were wholly without jurisdiction and unauthorized. There were serious encroachment and abridgment of the petitioner right under Article 14 and 300 A of constitution of India. Such intrusion into rights of citizen cannot be countenanced in any civil society.



Accordingly, I am constrained to hold that the interference in the enjoyment of rights of the petitioners in suspect of the land /Shairats as claimed by them in respective writ petition was wholly unauthorized and unwarranted. The settlements were illegally made in favour of private respondent;

(ii) for initiating proceeding of contempt against the respondent no. 2 to 6 who have knowingly settled the land/pond of the petitioners defying the order dated 09.07.2008 passed in CWJC No. 12728 of 2005 with other analogues case with respect to petitioners land/pond of situated at Khata No. 811 of Mauza Manpaur, Block-Benipatti, District- Madhubani;

(iii) for holding that in view of the facts and circumstances mentioned herein below the learned District Fishereis Officer, Madhubani/ the



Circle Officer, Benipatti could not have settled the land / pond of the petitioner as one of the proceeding under section 4(h) of the Act in respect to the same lands having been decided in favour of the vendor of petitioner/predecessor in interest of the on the ground, inter alia, that the lands were settled with him or his predecessor in interest by the ex-landlord much before the cut off date i.e. 01.01.1946 and he perfected his occupancy right the same not only before vesting of the Zamindari but much before the said cut off date they could not have either settled the same with any one;

(iv) for restraining the respondent including the private respondents from interfering with the peaceful possession of the petitioners and/or his family members over the land pond in



question;

(v) for any other relief relief (s) to which the petitioners may be found entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioners accept that with the passage of time, the matter has become infructuous. However, he submits that despite an order of Patna High Court that in C.W.J.C. No. 12728 of 2005 (Agam Prasad Srivastava vs. State -vendor of petitioner nos. 1 and 2) which was taken up along with C.W.J.C. No. 8874 and analogous cases on 9.7.2008 and the Court held that the interference in the enjoyment of the rights of the petitioners in respect of the lands/Sairat as claimed by them in respective writ petition were unwarranted. However, the Court refrains from moving further in view of the fact that the settlement period is over.

4. Learned counsel for the petitioners submit that despite the observation of the Patna High Court earlier, they keep on disturbing them.

5. Since the period in this writ petition has also elapsed, this Court refrains from making any further observation allowing the petitioners to raise all such issues, if the



respondents choose to disturb them again in future.

6. The writ petition stands disposed of.

(Rajiv Roy, J)

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