

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9224 of 2019

1. Harendra Choudhary @ Harindra Choudhary @ Harindra son of Late Rajvansi Malah resident of Village- Dihi Pakari Tola Malahi, P.O. Machhaha, Police Station- Bhitaha, District- West Champaran.
2. Madan Mohan Choudhary @ Madan Mohan Mallah son of Late Rajvansi Malah resident of Village- Dihi Pakari Tola Malahi, P.O. Machhaha, Police Station- Bhitaha, District- West Champaran.
3. Surendra Prasad Choudhary @ Surendra Choudhary son of Bhim Bali Choudhari resident of Village- Dihi Pakari Tola Malahi, P.O. Machhaha, Police Station- Bhitaha, District- West Champaran.
4. Krishna Choudhary son of Bhim Bali Choudhari resident of Village- Dihi Pakari Tola Malahi, P.O. Machhaha, Police Station- Bhitaha, District- West Champaran.
5. Musmat Chan Kaliya Devi @ Chan Kali Devi Daughter of Late Bhajan Mallah, wife of Late Rajvansi Choudhary resident of Village- Dihi Pakari Tola Malahi, P.O. Machhaha, Police Station- Bhitaha, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue, Government of Bihar, Patna.
2. The District Magistrate, West Champaran, Bettiah.
3. The Sub- Divisional Officer, Bagaha, West Champaran.
4. The Deputy Collector Land Reforms, Bagaha West Champaran.
5. The Circle Officer, Bhitaha Anchal, District- West Champaran.
6. Hari Nandan Choudhary son of Late Ganesh Choudhary resident of Village- Dihi Pakari Tola Malahi, P.O. Machhaha, Police Station- Bhitaha, District- West Champaran.
7. Jawahar Choudhary son of Satan Choudhary resident of Village- Dihi Pakari Tola Malahi, P.O. Machhaha, Police Station- Bhitaha, District- West Champaran.
8. Moti Choudhary son of Late Mangal Choudhary resident of Village- Dihi Pakari Tola Malahi, P.O. Machhaha, Police Station- Bhitaha, District- West Champaran.
9. Hosila Choudhary son of Late Tribhuwan Choudhary resident of Village- Dihi Pakari Tola Malahi, P.O. Machhaha, Police Station- Bhitaha, District- West Champaran.
10. Sudarsan Pal son of Late Singhasan Pal resident of Village- Dihi Pakari Tola Malahi, P.O. Machhaha, Police Station- Bhitaha, District- West Champaran.
11. Sudama Choudhary son of Late Yamuna Choudhary resident of Village- Dihi Pakari Tola Malahi, P.O. Machhaha, Police Station- Bhitaha, District- West Champaran.



12. Dewaki Choudhary son of Late Sundar Choudhary resident of Village- Dihi Pakari Tola Malahi, P.O. Machhaha, Police Station- Bhitaha, District- West Champaran.
13. Awadh Gond son of Late Mukhi Gond resident of Village- Dihi Pakari Tola Malahi, P.O. Machhaha, Police Station- Bhitaha, District- West Champaran.
14. Sawami Nath Yadav son of Late Chhatar Yadav resident of Village- Dihi Pakari Tola Malahi, P.O. Machhaha, Police Station- Bhitaha, District- West Champaran.
15. Sharma Pal son of Late Bishundev Pal resident of Village- Dihi Pakari Tola Malahi, P.O. Machhaha, Police Station- Bhitaha, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra, Adv.
For the Respondent/s : Mr.Raj Kishore Roy (GP18)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 31-07-2025

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

2. Counsel for the petitioners submits that the
present writ petition has been filed with the following reliefs:-

(i) That this is an application for issuance of appropriate, writ, order or direction, directing the respondents-State Government authorities to deliver the possession to the petitioners over the land containing Khata No.121, Khesara Nos.624/63/31 area 50 decimals, Khesara Nos.624/63/33 area 50 decimals, Khesara Nos.624, 63, 37 area 50 decimals, Khesara Nos. 21, 63, 32 area 50 decimals, Khesara Nos.624, 63, 34 area 50 decimals which was settled in favour of the petitioners vide Settlement Case No.118 of 1975-76 and Respondent Nos.6 to 15 illegally encroached



the said land of the petitioners.

3. Counsel for the petitioners submits that the land in question was settled in favour of petitioners/their ancestors by virtue of Settlement Case No.118 of 1975-76. He further submits that during pendency of the writ petition, a counter-affidavit has been filed by the State in which vide Settlement Cancellation Case No.21 of 2019-20 dated 26.06.2019, the settlement in favour of the petitioners has been cancelled. He further submits that order passed by the Collector, West Champaran, Bettiah, dated 26.06.2019 has been passed without hearing petitioners and behind their back.

4. Counsel for the State raised preliminary objection and submits that land settlement of the petitioners has already been cancelled vide order dated 26.06.2019 passed in Settlement Cancellation Case No.21 of 2019-20.

5. After hearing the parties and upon perusal of the record, the present writ application is hereby disposed of directing the petitioners to appear before the District Magistrate, West Champaran, Bettiah (respondent No.2) with all relevant documents within 30 days along with this order and respondent No.2 shall pass afresh order in Settlement Cancellation Case No.21 of 2019-20 dated 26.06.2019 within 90 days after appearance of all concerned.



6. It is made clear that the Settlement Cancellation Case No.21 of 2019-20 dated 26.06.2019 passed by the District Magistrate is hereby set aside as passed without opportunity of hearing which is in violation of Natural Justice.

7. With the aforesaid directions and observations, the present writ application stands disposed off.

(Dr. Anshuman, J.)

Prakashmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

