

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4496 of 2017

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Akshay Kumar Singh Son of late Kamta Singh Resident of Village- Achra
Verma tola, P.O.- Achra, P.S.- Falkaha, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate D.M., Araria.
3. The Sub-Divisional Officer Cum S.D.M. Forbesganj, District-Araria.
4. The Circle Officer, Narpatganj Block, District- Araria.
5. Kashi Nath Verma Son of late Rambilash Verma Resident of Village-
Achare, Verma Tola, P.O.- Achara, P.S.- Falkaha , District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar No. 1
For the Respondent/s : Mr.Rishi Raj1 Sinha-Sc19

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 17-03-2025 Heard the learned counsel for the parties.

2. The present writ application has been filed for the
following relief:-

*“For issuance of a writ in the nature of
certiorari for setting aside the order dated 21-8-2012
passed in case No. 22/2005-06 by the Court of S.D.O.
Forbesganj, Araria, Contained in Annexure 11 whereby
and whereunder, ignoring the order and direction dated
13-11-2010 given by the learned Collector, in Land
Settlement Appeal No. 9/2007-2008/21/2009-10
contained in Annexure-10, the learned S.D.O. has
directed to do the settlement of the Lands in the name of
respondent No.5 (Kashi Nath Verma) and further for*



directing the Respondents to make settlement of the 3.25 acres Lands in question in the name of petitioner as the same lands were settled in the name of same lands were settled in the name of ancestor of the petitioner and they were in peaceful possession of the same since 1972 and amounts. Let it be clarified that lands of Mauza-Anchara, Block Narpatganj of Distict Araria, bearing

<i>Mauza</i>	<i>Khata No.</i>	<i>Plot No.</i>	<i>Araria</i>
<i>Anchara</i>	<i>107</i>	<i>93/15</i>	<i>0.25 acre</i>
<i>"</i>	<i>"</i>	<i>93/68</i>	<i>1.21 "</i>
<i>"</i>	<i>14</i>	<i>94/06</i>	<i>0.13 "</i>
<i>"</i>	<i>230</i>	<i>32/02</i>	<i>0.90 "</i>
<i>"</i>	<i>102</i>	<i>90/33</i>	<i>0.33 "</i>
<i>Madhura</i>	<i>1222</i>	<i>90/33</i>	<i>0.43 "</i>
		<i>Total</i>	<i>3.43 "</i>

Total Area of 3.25 Acre has been settled in the name of Kapildeo Singh & his wife died issueless Kapil Deo Singh was Sahodar brother of father of the petitioner (Namely Kamta Singh), accordingly after death of Late Kapildeol Singh, the father (Kamta Singh) came in possession of the said Lands as Kapil Deo Singh had executed a gift deed on 22.6.84 (Anx.6) in the name of father (Kamta Singh) of the petitioner."

3. As per the submission of the learned counsel for the petitioner, Late Kapildeo Singh, who was a refugee from Burma, was allotted the land in question for his rehabilitation. Vide letter no.3901 dated 19.10.1987 issued by the Rehabilitation Department, Government of Bihar, Kapildeo



Singh became the *raiyat* of that land. The case of the petitioner is that Late Kapildeo Singh has no class-1 heir and he was the uncle of the petitioner and being his nephew, after the death of Kapildeo Singh, the petitioner inherited the land in question as per law of inheritance and also on the basis of a Will deed executed by Late Kapildeo Singh in favour of the petitioner.

4. The grievance of the petitioner is that, ignoring this fact, the Sub-Divisional Officer, Araria, allotted that land after the death of Late Kapildeo Singh in favour of respondent no.5, ignoring this fact that the wife of respondent no.5 has already been allotted a piece of land for rehabilitation.

5. On the other hand, the learned counsel for the State submitted that during inquiry, the Sub-Divisional Officer, Araria found that the petitioner was not the relative of Late Kapildeo Singh and he also found the Will deed was suspicious one. Learned counsel has submitted further that if the petitioner feels himself aggrieved by the order of the Sub-Divisional Officer, he may file an appeal before the Collector, Araria, under Section 49-O of the Bihar Tenancy Act, 1885.

6. Since the alternative remedy is available to the petitioner, he may take recourse of the same, if so advised.

7. With the direction/observation aforesaid, the writ



application stands disposed of.

(Nawneet Kumar Pandey, J)

HR/-

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