

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23405 of 2018

1. Naresh Uraon Son of Sipahi Uraon.
2. Radhey Shyam Nuniya Son of Late Ramkeshwar Nuniya @ Ram Kewal Nuniya
3. Baldeo Mahto, son of Ramsagar Uraon.
4. Bhukhal Mahto, Son of Late Nandlal Mahto
All resident of Village Semra P.S. Semra, District- West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar through the Collector, West Champaran, Bettiah.
2. The Addl. Collector, Ceiling, West Champaran, Bettiah.
3. The Anchal Adhikari, Bagaha-2 District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, GP 18

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 03-11-2025 Heard the parties.

2. The petitioners, in the present writ petition, have
prayed for the following relief(s):

*“For issuance of writ in the
nature of mandamus or any other
appropriate writ/writs directing the
respondents for not dispossessing the
petitioners from the land for which they
have been issued parchas in their names in
settlement case no. 5/2001-02 until the land
Ceiling Case No. 79/1973-74 is finally
adjudicated and decided by the competent
court of law and further for issuance of
direction to the respondent to settle another*



land in favour of the petitioners considering the facts that they are landless persons, who were issued parchas against the surplus land declared in Ceiling Case No. 79/1973-74 in alternative to take back the possession from the land which was given to the petitioners in Settlement Case No. 5/2001-02 in the light of the order dated 19.05.2018 passed in Jamabandi Cancellation Case No. 65/17-18 and/or for granting relief for which the petitioners are entitled in the eyes of law by issuing a writ in the nature of certiorari for quashing the order dated 19.05.2018 passed in Jamabandi Cancellation Case No. 65/17-18 by the respondent no. 2 so far petitioners' Jamabandi Nos. 5, 96, 93, 94 and / or pass such other order or orders as your lordships may deem fit and proper in the facts and circumstances of the case."

3. It is the case of the petitioners that they were granted *Parchas* earlier under the Settlement Case No. 5 of 2001-02. However, subsequently as the story unfolded, on 19.05.2018, the Additional Collector, West Champaran, Bettiah in Jamabandi Cancellation Case No. 65 of 2017-18 (State vs. Vishwanath Urao and Ors.) having taken note of the order passed by the Patna High Court in CWJC No. 8890 of 2004 and CWJC No. 4716 of 2014 (Sajjan Kumar Agarwal vs. State of



Bihar and Ors.) cancelled the *Parchas*. It is the case of the petitioners that they were validly granted *Parchas*, subsequently, the land holders won the case and in that background, *Parchas* have been cancelled. In that background, the respondents are duty bound to settle them.

4. There is no counter affidavit on behalf of the State though learned State counsel echoes the submission put forth by the learned counsel for the petitioners.

5. In that background, this court is also of the view that since earlier the State had settled the land in favour of the petitioners after granting *Parchas*, subsequently, as the land holders have taken back the land, it is the duty of the State to re-settle them at an appropriate place.

6. The writ petition is accordingly disposed of allowing the petitioners to approach the Collector, West Champaran, Bettiah (respondent No. 1) who shall be hearing the parties including the State Revenue Officials and shall ensure that an appropriate order is passed with regard to the settlement of the petitioners.

(Rajiv Roy, J)

GAURAV S./-

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