

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15366 of 2011

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1. SANJIV KUMAR and ANR S/O Srri Shivnandan Yadav R/O Village Bari Govindpur, P.O.Jamalpur, P.S.- Dharhara, District- Munger
 2. Anjani Prasad Yadav S/O Sri Siya Ram Yadav R/O Village Bari Govindpur, P.O.Jamalpur, P.S.- Dharhara, District- Munger

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR and ORS
2. Collector, Munger
3. Additional Collector, Munger
4. S.D.O., Munger
5. D.C.L.R., Munger
6. Block Development Officer, Dharhara, Munger
7. Anchal Adhikari, Darhara, Munger

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rewti Kant Raman
For the Respondent/s : Mr.Manikant Mishra Gp25

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

ORAL ORDER

5 07-04-2025 Heard the parties.

2. That this application is being filed for the following
relief(s):

“For quashing the order dated 30.3.2011 passed by Collector, Munger in Settlement Case no. 02/ 2006-07 by which he has rejected the proposal for settlement of the land in question though twice Additional Collector has accepted the proposal for settlement antedating the notes written on separate sheet of paper though in law he is bound to make his comment in the record of the case which



becomes evidently clear from perusal of the note sheet dated 16.5.08 itself and issuance of a writ / order / direction to the respondents to settle the land in question as Settlement Proceeding is not being disposed of due to non consideration of the facts by the respondent Collector though Settlement Case no. 2/2006-07 is pending since 2006 and other similarly cases have been disposed of years together though other respondents have recommended for settlement of the land in question with the petitioners on the ground that they are serving the nation and comes under the definition of Sainik”.

A photocopy of entire order sheet of Settlement Case no. 2/06-07 is annexed hereto and marked as Annexure-13 forming part of this application.

3. Learned counsel for the petitioners has submitted that the petitioners are Ex-Army Personnel and they made applications for settlement of the land, in question on the basis of circular of the State Government (Circular No. AGL-1-0-1/63-1946 R. dated 23rd March, 1963. Their applications for settlement were rejected by the District Magistrate, Munger vide order dated 30-03-2011 (Settlement Records No. 2/2006-07). Learned counsel has further submitted that the State Government is obliged to settle the land in favour of the petitioners as per provisions of above noted circular.



4. On the otherhand, learned counsel for the State submits that the landless person, belonging to the Scheduled Caste residing in the village, has the preference over the Ex-Military Personnel as per Section-27(1) of the Bihar Land Reforms (Fixation of Ceiling, Area and Acquisition of Surplus Land) Act, 1961 and the District Magistrate while rejecting the application of the petitioners has mentioned that he had received a direction to settle the land, in question, in favour of the landless persons belonging to the Scheduled Castes. It has also been mentioned in the impugned order of the District Magistrate that the petitioners are the residents of village, Govindpur whereas the land, in question, is situated in village-Dharhara and Dariyapur and the land for settlement is available in the village-Govindpur.

5. I do not find any reason to interfere with the order of the District Magistrate, Munger rejecting the application of the petitioners.

6. There is no merit in the present writ petition and accordingly, the same is dismissed.

(Nawneet Kumar Pandey, J)

A.K.V.//-

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