

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12585 of 2024

1. Ainul Mian Son of Late Jhaman Mina @ Jhaman Ansari Resident of Village- Baswaria, P.O.- Parsauni Farm, P.S.- Chautarwa, District- West Champaran.
2. Hajarat Ansari, Son of Late Jhaman Mina @ Jhaman Ansari, Resident of Village- Baswaria, P.O.- Parsauni Farm, P.S.- Chautarwa, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Land Reforms and Revenue, Bihar, Patna.
2. The Collector, district- West Champaran (Bettiah).
3. The Additional Collector, West Champaran, Bettiah.
4. The Sub Divisional Officer, Bagha, District- West Champaran.
5. The Deputy Collector Land Reform, Bagha, district- West Champaran.
6. The Circle Officer, Block- Bagha, District- West Champaran.
7. Satandeo Sah, Son of Lagte Ram Lal Sah, Resident of Village- Baswaria, P.O.- Parsauni, P.S.- Chautarwa, District- West Champaran.
8. Jatan Sah, Son of Late Ram Lal Sah, Resident of Village- Baswaria, P.O.- Parsauni, P.S.- Chautarwa, District- West Champaran.
9. Sahdeo Sah, Son of Late Ram Lal Sah, Resident of Village- Baswaria, P.O.- Parsauni, P.S.- Chautarwa, District- West Champaran.
10. Krishan Sah, Son of Badri Sah, Resident of Village- Baswaria, P.O.- Parsauni, P.S.- Chautarwa, District- West Champaran.
11. Chunnu Sah, Son of Late Chandrika Das, Resident of Village- Baswaria, P.O.- Parsauni, P.S.- Chautarwa, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Respondent/s : Mr. K.K. Singh, AC to GP-22

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 04-08-2025 1. Heard learned counsel for the petitioners and learned AC to GP-22 for the State.
2. The learned counsel appearing on behalf of the State, at the outset, submits that petitioners have rushed to this



Court against the order passed by the Additional Collector, West Champaran, Bettiah by which settlement made in favour of the petitioners in the Year 1992 by the DCLR/SDO in Settlement Case No. 11 of 1992-93 (LR 177/1992-93) by an order dated 08.05.1992/15.07.1992 has been cancelled on the ground that the land in dispute is Gairmazarua-Aam land and it is the State Government, who is competent to settle such land. It is next submitted that the petitioners are not landless persons rather have land measuring 06 acres as would manifest from the order dated 06.02.2024 contained in Memo No.519 passed by the Additional Collector, West Champaran, Bettiah in Settlement Cancellation Case No.446 of 2012-13, recorded based on the submission made by the private respondents. It is further submitted that petitioners in the writ application though claims to be a landless persons, but then, have not specifically rebutted that petitioners do not have land measuring 06 acres, as such, the pleading that petitioners are landless persons is an evasive pleading. It is also submitted that petitioners have an alternative remedy against the order impugned, but then, instead of availing the alternative remedy, the petitioners have directly moved before this Court under Article 226 of the Constitution of India which is an extraordinary and a discretionary jurisdiction.



3. The learned counsel appearing on behalf of the petitioners are not in a position to rebut the submission of the learned counsel appearing on behalf of the State, but then, submits that though the order impugned records that petitioners have land measuring 06 acres, but then, petitioners are landless person though it has not been specifically rebutted in the writ application, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the State that petitioners have alternative remedy against the order impugned in the instant writ application, as such, the Court finds no merit in the writ application as petitioners have rushed to this Court without availing their alternative remedy.

4. The writ application is dismissed.

5. However, the dismissal order would not preclude the petitioners from availing their alternative remedy against the order impugned in the instant writ application in accordance with law.

(Satyavrat Verma, J)

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