

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16619 of 2022

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Anil Kumar Chaubey son of Late Ramniwas Chaubey, Resident of Village-Dihri, P.S.-Rajpur, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The Collector-cum-Second Appellate Authority, Public Grievance Redressal Officer, Buxar.
4. The Sub-Divisional Officer-cum-Sub Divisional Public Grievances Redressal Officer, Buxar.
5. The Additional Collector, Buxar.
6. The Deputy Collector Land Reforms, Buxar.
7. The Circle Officer, Chausa, District Buxar.
8. The Circle Inspector, Chausa, District Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Madhu Prasun, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam (AAG12)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 02-12-2022 Petitioner has prayed for the following relief/s :-

“i. For issuance of appropriate writ/ writs, order/ orders, direction/ directions commanding the respondents to ensure immediate possession of land pertaining to Mauza Dihri, Thana No.-82, Khata No.-750, Khesra No.- 1186 and area 93 acres to the settlees vide Settlement Case No.- 08/1982-83 and to ensure



immediate possession of land pertaining to aforesaid description but of the different Khesra of total area 9.86 acres to the settlees vide Settlement Case No.-2/1995-96 and Settlement Case No.- 10/2001-02 as in a most arbitrary manner actual possession of the said land were not given to the beneficiaries till date who are people of marginal section and downtrodden society.

(ii) For issuance of appropriate writ/ writs, order orders, direction/ directions quashing/setting aside order dated 20.06.2022 of the Respondent No.-03, whereby he has directed the Circle Officer. Chausa to ensure cancellation of Settlement Case No.-08/1982-83, which is beyond his jurisdiction and authority and not tenable in the eyes of law especially in view of the fact that the said order is silent on the present number of family members in the respective families of the settlees and is non explanatory on the factum that the whether settlees had 'Raiyati' land at the time of settlement in their favour and how much.

iii. For issuance of appropriate writ/ writs, order orders, direction/ directions commanding the respondent concerned to immediately stop construction of Panchayat Sarkar Bhawan on the aforesaid land till actual possession of land in the concerned Khesra is given to the settlees/beneficiaries.

iv. For issuance of appropriate writ/ writs, order/ orders, direction/ directions commanding the respondents concerned to remove all encroachments over the aforesaid land at an earliest and restrain the land mafias to grab the aforesaid land, which is settled way back in 1982-83 to 2001-02.

V. For any other relief reliefs for which the petitioner is entitled under law.”

Learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to file appeal before respondent No.3, namely, the Collector-cum-Second Appellate Authority, Public Grievance Redressal Officer, Buxar.



Prayer allowed.

He may do so within a period of four weeks.

Learned counsel for the State states that if any such appeal is preferred by the petitioner within the aforesaid period, limitation shall not come in the way and the appeal shall be heard on merits, to be decided within a period of three months from the date of its filing.

We only hope and expect the appropriate authority to consider and decide the appeal on its own merit and with reasonable dispatch.

We clarify that we have not expressed any opinion on facts and law. All issues are left open.

Learned counsel for the parties undertake not to take any unnecessary adjournment in such proceedings.

The present petition stands disposed of with the liberty aforesaid.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/K.C.Jha

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