

In the Court of District Collector, Saran, Chapra
Misc. Case. No. 03/2007
Chandeshwar Rai Vrs. Harnarain Singh, Parrmanand Yadav & Others.

Date	Order	Remarks
07.01.12	<p>The instant case was listed today in View of its long pendency and also to comply with the direction contained in the order dated 9.02.2007 passed by the Hon'ble High Court in CWJC No.- 11006/2006 Chandeshwar Rai vrs. State and Others.</p> <p>Heard the parties and perused the records, especially the records of Settlement Appeal NO.-1/2004 Chandeshwar Rai vs SDO, Sadar disposed on 4.03.2006 in view of the order passed by the Hon'ble High Court in CWJC NO.-10660/2004 Chandeshwar Rai vs State & Others on 9.09.2004.</p> <p>The present representation dated 2.03.2007 has again assailed the settlement of land bearing plot No.-1711, area-17 kattha 4 dhurs and plot No.-1710 area- 15 kattha 12 dhurs both situated in khata No.-576 Village-Sahpur P.S.- Garkha, Dist-Saran with the private opposite party members, claiming that the settlement made in favour of the private OP members is improper as the land is used for the common public purpose and houses a temple and a ditch.</p> <p>The OPs have stated that the claims of the petitioner were thoroughly examined earlier and the reports of the SDO, Sadar and the CO. Garkha haw pointed out that settlement is as per rules and guidelines of Government.</p> <p>As the Petitioner challenged the reports of the SDO and CO as prejudiced, a detailed enquiry was ordered to be conducted by the Additional Collector. A simple perusal of the report submitted reveals following facts.</p> <p>(a) The public use of the land in question was not confirmed. (b) The sairat nature of the land in question could not be proved, (c) The report specifically does not find any fault with the settlement done earlier.</p> <p>Obviously, the contentions of the petitioner have been found to be wrong even in the enquiry done by the Additional Collector.</p> <p>Legally speaking, the order passed by the District Collector in settlement Appeal Case No.- 1/2004 Chandeshwar Rai vrs SDO, Chapra and Others is legally in force today as the same has not been set aside, interfered with or quashed by any superior competent authority. And, it is legally not possible for me to rewrite the earlier order passed in the appellate capacity.</p> <p>Accordingly, the petition is dismissed.</p> <p>Dictated and Corrected</p> <p style="text-align: center;">Collector Saran, Chapra</p> <p style="text-align: right;">Collector, Saran, Chapra</p>	<p style="text-align: right;">C-9/12 11/1/12 13/1/12</p> <p style="text-align: right;">7983 14/1/12</p>