

Patna High Court - Orders

Kamleshwari Manjhi vs The State Of Bihar & Ors on 27 June, 2011

IN THE HIGH COURT OF JUDICATURE AT PATNA

CWJC No 8246 of 2011

KAMLESHWARI MANJHI

Versus

THE STATE OF BIHAR & ORS

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3 27.06.2011 This writ petition was filed on 06.05.2011 and on 11.05.2011, it was adjourned to enable State Counsel to take instructions and file counter affidavit. State Counsel has neither received instructions nor filed counter affidavit. A supplementary affidavit has been filed by the petitioner clearly stating that the lands which are being treated as sairat for which settlement notices have been issued, as contained in Annexure-3, are the lands in relation to which petitioner had filed a suit for declaration of title and confirmation of possession as against the State of Bihar in which petitioner has succeeded. The lands are raiyati lands of the petitioner and cannot be settled by the State of Bihar treating it to be a sairat from prior to the date of vesting. Petitioner runs a vegetable market thereon which was started in 1990s.

In view of the aforesaid fact and in view of the fact that the counter affidavit has not been filed and no instructions received, till further orders, the settlement of Bhangti Hat, as notified by the Circle Officer, Goadih on 05.04.2011, as contained in Annexure-3, shall remain stayed.

Put up For Admission on 25th of July, 2011.

M.E.H./

(Navaniti Prasad Singh)