

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10926 of 1994

1. Baleshwar Mochi son of Bachhu Mochi,
resident of Village Mogiya, Police Station
Chandi, District Nalanda.
2. Ghutun Saperas son of Late Faujdhari Saperas,
resident of Village Mogiya, Police Station
Chandi, District Nalanda.
3. Janki Jamadar son of Jitu Jamadar,
resident of Village Pranchak, Police Station
Chandi, District Nalanda.
4. Ayodhya Jamadar son of Jawahar Jamadar,

resident of Village Jalalpur, Police

Station Chandi, District Nalanda.

5. Chamari ^{Mochi} ~~Ravidas~~ son of Late Lachhu Jamaadar,

resident of Village Mogiya, Police Station

Chandi, District Nalanda.

6. Amirak Ravidas son of Late Komal Ravidas,

resident of Village Mogiya, Police Station

Chandi, District Nalanda.

7. Ashok Singh son of Ram Swarup Singh, resi-

dent of Village Korut, Police Station

Chandi, District Nalanda.

8. Dashrath Thakur son of Late Sidheshwar Thakur,

resident of Village Mogiya, Police Station

Chandi, District Nalanda.

9. Jagadish Prasad son of Late Keshwar Tam,

resident of Village Gunjarchak, Police

Station Chandi, District Nalanda.

10. Sanichar Ram son of Late Biltu Ram, resident

of Village Mogiya, Police Station Chandi,

District Nalanda.



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11. Chalitar paswan son of Late Raudi Paswan,
resident of Village Pranchak, Police
Station Chandi, District Nalanda.
 12. Ramakant Paswan son of Mathura Paswan,
resident of Village Korut, Police Station
Chandi, District Nalanda.
 13. Masudan Jamadar son of Nandlal Jamadar,
resident of Village Jalalpur, Police
Station Chandi, District Nalanda.
 14. Kumar Ratan Sinha son of Ram Krishna Prasad
Singh, resident of Village Mogiya, Police
Station Chandi, District Nalanda.
 15. Rohan Jamadar son of Ganga Jamadar, resident
of Village Jalalpur, Police Station Chandi,
District Nalanda.
 16. Ramdish Jamadar son of Late Jitu Jamadar,
resident of Village Pranchak, Police Station
Chandi, District Nalanda.
 17. Rabar Jamadar son of Gulcharan Jamadar,
resident of Village Jalalpur, Police Station

Chandi, District Nalanda.

18. Maheshwar Jamadar son of Nandlal Jamadar,
resident of Village Jalalpur, Police
Station Chandi, District Nalanda.
19. Mannu Jamadar son of Govind Jamadar,
resident of Village Jalalpur, Police Station
Chandi, District Nalanda.
20. Naresh Thakur son of Late Sidheswar Thakur,
resident of Village Mogiya, ~~Si~~ Police
Station Chandi, District Nalanda.
21. Balchand Ravidas son of Late Budhari Ravidas,
resident of Village Mogiya, Police Station
Chandi, District Nalanda.
22. Baijnath Rajak son of Lalmuni Rajak, resident
of Village Jalalpur, Police Station Chandi,
District Nalanda.
23. Kamlesh Singh son of Shiru Singh, resident
of Village Korut, Police Station Chandi,
District Nalanda.
24. Ram Pravesh Tanti son of Late Khubal Tanti,
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resident of Village Wogiya, Police Station
Chandi, District Nalanda.

25. Mahgu Jamadar son of Ram Saran Jamadar,
resident of Village Jalalpur, Police
Station Chandi, District Nalanda.

26. Shibji Paswan son of Sundar Paswan,
resident of Village Pranchak, Police Station
Chandi, District Nalanda.

27. Basant Singh son of Radhe Singh, resident
of Village Korut, Police Station Chandi,
District Nalanda.

28. Arjun Ravidas son of Late Buchani Ravidas,
resident of Village Wogiya, Police Station
Chandi, District Nalanda.

29. Jitan Singh son of Radhe Singh, resident
of Village Korut, Police Station Chandi,
District Nalanda.

30. Bhushan Jamadar son of Sheonandan Jamadar,
resident of Village Jalalpur, Police
Station Chandi, District Nalanda.

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31. Shivbalak Paswan son of Jodhi Paswan,
resident of Village Pranchak, Police
Station Chandi, District Nalanda.
32. Krishna Thakur son of Ram Sahay Thakur,
resident of Village Mogiya, Police Station
Chandi, District Nalanda.
33. Mahavir Jamadar son of Sharan Jamadar,
resident of Village Jalalpur, Police
Station Chandi, District Nalanda.
34. Dayanand Paswan son of Baleshwar Paswan,
resident of Village Jalalpur, Police
Station Chandi, District Nalanda.
35. Chandrika Ram son of Late Biltu Ram, resident
of Village Mogiya, Police Station Chandi,
District Nalanda.
36. Kunti Devi wife of Late ^Keshwar Prasad Singh,
resident of Village Korut, Police Station
Chandi, District Nalanda.
37. Ram Baran Ravidas son of Late Jageshwar
Ravidas, resident of Village Mogiya, Police
Station Chandi, District Nalanda.

38. Rajeshwar Singh son of Shiru Singh, resident of Village Korut, Police Station Chandi, District Nalanda.

39. Kapil Tanti son of Late Khubal Tanti, resident of Village Wogiya, Police Station Chandi, District Nalanda.

40. Yogendra Prasad son of Bhatu Jamadar, resident of Village Jalalpur, Police Station Chandi, District Nalanda.

41. Ramji Ravidas son of Chamari Ravidas, resident of Village Wogiya, Police Station Chandi, District Nalanda.

42. Rajbalabh Jamadar son of Dwarik Jamadar, resident of Village Jalalpur, Police Station Chandi, District Nalanda.

43. Ramashish Ravidas son of Ramchandra Ravidas, resident of Village Wogiya, Police Station Chandi, District Nalanda.

44. Bhagwat Jamadar son of Siyasharan Jamadar, resident of Village Jalalpur, Police Station



Chandi, District Nalanda.

45. Sumendra Paswan son of Jodhi Paswan, resident of Village Pranchak, Police Station Chandi, District Nalanda.

46. Mahura Paswan son of Jageshwar Paswan, resident of Village Korut, Police Station Chandi, District Nalanda.

47. Dinesh Chaudhary son of Late Shukar Chaudhary, resident of Village Mogiya, Police Station Chandi, District Nalanda.

48. Ram Pravesh Paswan son of Jodhi Paswan, resident of Village Pranchak, Police Station Chandi, District Nalanda.

49. Indra Ram son of Shibalak Ram, resident of Village ~~Chandi~~ Mogiya, Police Station Chandi, District Nalanda.

50. Mahendra Ravidas son of Bandhu Ravidas, resident of Village Mogiya, Police Station Chandi, District Nalanda.

51. Jagadish Jamadar son of Late Jitu Jamadar,



resident of Village Pranchak, Police Station
Chandi, District Nalanda.

52. Girani Ravidas son of Late Chhotu Ravidas,
resident of Village ~~Wogiya~~ ^{Wogiya}, Police Station
Chandi, District Nalanda.

53. Mangal Jamadar son of Late Jitu Jamadar,
resident of Village Pranchak, Police Station
Chandi, District Nalanda.

54. Jagadish Singh son of Late Ram Prasad Singh,
resident of Village Korut, Police Station
Chandi, District Nalanda.

..... Petitioners.

Versus.

1. The State of Bihar.

2. The Deputy Land Reforms Collector, Hilsa,
District Nalanda.

3. The Anchal Adhikari, Chandi Anchal, District
Nalanda.

4. Mahanth Vichan Das, Bahadurpur Math, Kabir
Chaura Math, Police Station Chandi, District
Nalanda.

-----Respondents.

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Appearance :

For the Petitioners : Mr. Yogesh Chandra Verma, Sr. Advocate.
Mr. Anuj Kumar, Advocate.
For Respondent No. 4 : Mr. Naresh Prasad, Advocate.
Mr. Ashok Kumar, Advocate.
For the State : Mr. Ajay, G.A. XII
Mr. Pratik Kumar Sinha, A.C. to G.A. XII

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 02-07-2015

Heard learned counsel for the petitioner, the State and the counsel for private respondent no. 4.

2. Petitioners claimed themselves to be the under-raiyat of the lands in question. They have filed this writ petition assailing the order dated 27.05.1994, Annexure-4 passed by D.C.L.R., Hilsa in Bataidari Case No. 01/1992-93 whereunder claim of the petitioners that they are under-raiyat of the lands in question has been rejected after recalling the proceedings from the Bataidari Board (hereinafter referred to as the Board) on the ground that punches were erroneously nominated by the Chairman of the Board.

3. It is submitted on behalf of the petitioners that the order recalling the proceedings from the Board passed by D.C.L.R., Hilsa is contrary to sub-clause (10) of Section 48-E of the Bihar Tenancy Act (hereinafter referred to as the Act)

as recall of the proceedings is not permissible on the ground that the punches were erroneously nominated by the Chairman of the Board.

4. Learned counsel for the petitioners have not been able to establish from the order-sheet of either the collector under the Act i.e. D.C.L.R., Hilsa or the Chairman of the Board i.e. Circle Officer, Chandi that the proceeding was recalled by the collector under the Act from the Chairman of the Board within six months. In the circumstances, submission raised that the proceedings were erroneously recalled, does not have any merit and is rejected.

5. Perusal of order dated 27.05.1994 indicates that the petitioners were not bataidars of the lands in question, as in several proceedings taken earlier they never raised such claim and their claim of possession over the lands in question as under-raiyat was negatived in those proceedings.

6. In view of the findings recorded by the collector under the Act that petitioners were never in possession of the lands in question, I am not inclined to interfere with the matter at this distance of time when from the gazette notification, Annexure-A to the counter affidavit it is evident that the lands in question were acquired pursuant to a ceiling proceeding



initiated against respondent no. 4 vide gazette notification dated
28.06.1976. Writ petition is dismissed.

Rajesh/-

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(V.N. Sinha, J)

