

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12089 of 2014

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1. Riva Jha @ Smt. Ribha Jha wife of Sri Birendra Narayan Jha
2. Birendra Narayan Jha Son of Late Upendra Narayan Jha
3. Ritesh Jha, Son of Sri Birendra Narayan Jha. All residents of Village- Lala Patti, Mauza Jaideo Patti, Police Station- Ghanshyampur, District- Darbhanga

.... Petitioners

Versus

1. The State of Bihar, through the Collector, Darbhanga, District- Darbhanga
2. The Additional Collector, Darbhanga, District- Darbhanga
... Respondent 1st set.
3. Radheshwar Singh (Land holder) Son of late Madheshwar Singh
4. Srimati Shakambari Bahuasin (Vedor) Wife of Sri Radheshwar Singh Both respondent no. 3 and 4 resident of Mohalla- Mabbi (the then) Anchal Bahadurpur, presently Radha Bag, Pargana- Paschim Bigha, Police Station and District- Darbhanga

... Respondent 2nd set.

5. Bhagwati Sahkari Grih Nirman Samiti Bakerganj, Police Station- Laheria Sarai, District- Darbhanga, through its Chairman Sri Shyam Sundar Prasad Lohia, Son of Ram Sarup Das Lohia, Resident of Mohalla- Bakerganj, P.S. Laheria Sarai, District- Darbhanga.
6. Sri Nunukant Choudhary, Son of Sri Brahmdeo Choudhary, resident of Mohalla- Bangali Tola, P.S. Laheria Sarai, District- Darbhanga, the Secretary Bhagwati Sahkari Grih Nirman Samiti, Bakerganj, P.S. Laheria Sarai, District- Darbhanga

Purchaser Respondent 3rd set.
.... Respondents.

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Jha, Advocate.
For the Respondent/s : Mr. Ajay Bihari, Sinha, SC-19

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 02-02-2015

Heard learned counsel for the petitioners and AC to SC-

19 for the State.

The petitioners has approached this Court aggrieved by the order dated 06.09.2013 passed by the Additional Collector, Darbhanga in Land Ceiling case no. 92 of 1989-90 whereby their application (Annexure-5) seeking impleadment in the said proceeding

was considered and rejected primarily on the ground that such application was being filed 19 years after the order was passed and that the petitioners were not the purchasers from the landholder. The claim of the petitioners is that they purchased the land in the year 1994 from Bhagwati Sahkari Grih Nirman Samiti Bakarganj, Darbhanga (for short 'the Samiti') vide sale deeds executed in 1994. The Samiti had purchased the land from the wife of the landholder (Radheshwar Singh) in the year 1986.

Having heard the parties, in my view, no interference is required in the order dated 06.09.2013. However, before the ceiling proceeding is concluded/finalized it will be open to the petitioners to approach the Authority under Section 9 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 for allotting the land claimed by them within the admissible ceiling limit of the land holder(s). If any such application is filed, the same shall be considered and disposed of by the concerned Authority in accordance with law.

(Kishore Kumar Mandal, J)

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