

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12821 of 1996

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Someshwar Prasad, son of late Shiv Deni Sah, resident of Village- Sohsa, P.S.-
Arwal (now Mehandia), District- Jehanabad.

.... Petitioner.

Versus

1. The State of Bihar through the Collector, Jehanabad.
2. The Additional Collector, Jehanabad.
3. The Sub-Divisional Officer, Arwal.
4. The Deputy Collector, Land Reforms, Arwal, District- Jehanabad.
5. The Circle Officer, Arwal Anchal, Jehanabad.

.... Respondents.

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Appearance :

For the Petitioner/s : Mr. Shyama Prasad Mukharjee, Sr. Advocate
Mr. Gyanand Roy, Advocate

For the Respondent/s : Mr. Nivedita Nirvikar, G.A.-10
Mr. Manoj Kumar, AC to G.A.-10

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 07-05-2015

In I.A. No.114 of 1997, the petitioner has made further prayer to add 41 persons as private respondents, in whose favour, the lands were settled.

In my view, the said prayer is superfluous, as those 41 persons have already been added as intervener respondents vide order dated 23.10.1997.

Counsel for the petitioner and the State are present.

No one appears on behalf of intervener respondents.

On request made by learned counsel for the State, the matter was earlier adjourned on 30.04.2015. The State reiterates its stand taken in its affidavit dated 18.02.1997.



The petitioner has prayed for quashing the orders dated 29.10.1996 and 24.08.1996, passed by the Additional Collector, Jehanabad in 4 (H) Case No. 16 of 1992-93 / 01 of 1996-97, by which Jamabandi of Khata no. 180, plot nos. 16 and 317, area 16.06 acres of revenue village Tajpur Bishunpur, Anchal Arwal standing in his name, has been cancelled and the records of 4 H Case No. 01 of 1996-97 has been remanded back by the Additional Collector, Jehanabad to the Sub-Divisional Officer, Arwal, who in turn has endorsed the record to the Deputy Collector, Land Reforms vide order dated 02.11.1996.

The petitioner has also prayed for holding that the proceeding initiated against him under Section 4(H) of Bihar Land Reforms Act, 1950, with respect to the same land dropped on 16.09.1992 by the Circle Officer, Arwal is illegal and not permissible.

The case of the petitioner is that the land of Khata no. 180, plot nos. 16 and 317, area 16.06 acres of revenue village Tajpur Bishunpur, Anchal Arwal (now a full fledged district) was settled in his favour by Ex-landlord Sidheshwar Prasad Singh on 06.04.1996. Another sale deed was executed in favour of the petitioner by Ex-landlord for an area 13 Bighas, 16 Kathas and 12 dhurs of land in Village Sohsa.

The petitioner submits that a proceeding under Section 4(H)

of the Bihar Land Reforms Act, 1950 being 4H Case No. 16 of 1992-93 in respect of Khata no. 180, plot nos. 16 and 317, area 16.06 acres of revenue village Tajpur Bishunpur, Anchal Arwal was initiated.

It is the case of the petitioner that the Circle Officer after going through the papers submitted by him dropped the proceeding vide order dated 16.09.1992. The State did not go in appeal against the order of the Circle Officer. After lapse of some time, another proceeding being 4H Case No. 16 of 1992-93 / 01 of 1996-97 was initiated with respect to the same land and the petitioner's settlement was cancelled and the land was distributed to 41 intervenor respondents vide Annexure-10.

The case of the petitioner is that if a proceeding is once dropped, the same cannot be started afresh. The only option before the State was to move in appeal against the dropping of the proceeding by the Circle Officer. In support of his submission, the petitioner has relied upon judgment of the Division Bench of this Court in case of Bidyut Kumar Gangully Vs. State of Bihar & others, reported in 1981 BLJ 9.

There cannot be any dispute to the proposition laid down by the Division bench in the aforesaid case, but in the instant case, the State has raised a dispute as to whether the proceeding at all was dropped.

In the facts and circumstances of the case, the matter is remited to the concerned respondents to consider this aspect once again. It will be open for the parties to put forth their cases.

Till fresh decision status quo as of today would be maintained.

With the aforesaid observation, this application stands disposed of.

(Samarendra Pratap Singh, J.)

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