

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4341 of 2011

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Most. Shakuntala Devi Wife of Late Krishnadeo Pandit, Resident of
Village-Ranta East, P.O.-Pirmokam, P.S.-Falka, District-Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Purnea Division, Purnea
3. The Collector, Katihar
4. The Additional Collector, Land Ceiling, Katihar
5. Jangali Paswan Son of Late Maharaj Paswan, Resident of Village-Rahta
West Tola, P.O.-Pirmokam, P.S.-Falka, District-Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey

For the Respondent/s : Mr. Lalan Kumar, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 25-08-2015

Heard.

The petitioner is aggrieved by the order dated 31.12.2008 (Annexure-1) passed by the respondent Commissioner, whereby Ceiling Revision Case No. 3 of 2008-09 filed on behalf of the petitioner has been dismissed and the order dated 11.01.2008 (Annexure-1/A) passed by the Additional Collector (Land Ceiling), Katihar in Miscellaneous Case (Land Ceiling) No.13 of 2005-06 has been affirmed. By the aforesaid order the respondent Additional Collector has refused to cancel the red card/ Parwana of land settlement vide Annexure-2 issued in favour of the respondent no.5 in the year 1987.

Apparently, the case of the petitioner is that her deceased husband was bataidar over the lands in question belonging to the landholder. In the land ceiling proceeding started against the landholder, the land in question was declared to be surplus, and was finally acquired by the State of Bihar. Only remedy available to the petitioner was to file a petition under

Section 22 of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (In short “Land Ceiling Act”).

Learned counsel appearing on behalf of the petitioner submits that a petition under Section 22 of the Land Ceiling Act was filed, but that was rejected, which attained its finality. That being the position, the status of the petitioner as a Bataidar over the lands in question was wiped out and she ceases to have any legal right over the lands in question.

Indisputably, land in question was declared surplus of the landholder and subsequently it was acquired under Section 15(1) of the Land Ceiling Act, whereby it vested in the State of Bihar free from all encumbrances. Thereafter, Parwana was granted in favour of respondent no. 5 in the year 1987 under section 27 of the Land Ceiling Act, which has been brought on record as Annexure-2. Subsequent petition filed on behalf of the petitioner has rightly been rejected by the respondent Additional Collector, Land Ceiling, Katihar by order dated 11.01.2008 (Annexure-1/A), which has been affirmed by the respondent Commissioner by his order dated 31.12.2008 (Annexure-1).

The writ petition is devoid of merit and is accordingly dismissed, but without costs.

(Birendra Prasad Verma, J)

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