

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16553 of 2011

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1. Yogendra Bhuiya Son Of Late Lakathu Bhuiya
2. Tetar Bhuiya Son of Late Jhohari Bhuiya
3. Hari Bhuiya Son of Late Thagai Bhuiya
4. Bideshi Bhuiya Son of Late Thagai Bhuiya
5. Subhag Bhuiya Son of Bindeshwari Bhuiya
6. Lokendra Mahato Son Of Late Moti Mahato
7. Bishuni Mahato Son Of Late Akal Mahato
8. Bhikhi Ram Son Of Late Chirkut Ram
9. Bharath Ram Son Of Jhakari Ram
10. Sukhal Dhangar Son Of Late Nayak Dhangar
11. Mahadeo Ram Son Of Late Laloo Ram
12. Ram Harakh Ram Son Of Ram Nath Ram
13. Tilak Mahato Son Of Late Malagi Mahato
14. Prahlad Mahato Son Of Late Ramdeo Mahato
15. Daya Mahato Son Of Late Laxmi Mahato
16. Sukat Mahato Son Of Pahun Mahato
17. Khublal Khatait Son Of Late Manni Khatait
18. Hemraj Kaji Son Of Hari Narain Kaji
19. Dodha Bhuiya Son Of Jhohari Bhuiya @ Bhaday Bhuiya
20. Kapuri Thakur Son Of Late Murat Thakur
21. Sunar Ram Son Of Ghurahi Ram
22. Ram Kishun Mahato Son Of Runni Mahato
23. Khakhan Mahato Son Of Late Thagai Mahato
24. Shyam Lal Mahato Son Of Late Laxmi Mahato
25. Nathuni Uraon Son Of Kodhi Uraon
26. Choudhary Uraon Son Of Late Budhai Uraon
27. Bishuni Dhangar Son Of Late Kodhi Uraon
28. Chulahi Kaji Son Of Late Bahidar Kaji
29. Teka Khatait Son Of Ramjee Khatait
30. Chandra Shekhar Kaji Son Of Man Bahali Kaji
All are Resident Of Village- Barwa Khurd, P.O.- Bakuli, Police Station-
Laukaria, District- West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, West Champaran at Bettiah
3. The Additional Collector (Land Ceiling), West Champaran At Bettiah
4. The Deputy Collector, Land Reforms, Bettiah, District- West Champaran
5. The Anchal Adhikari, Bagaha-2, District- West Champaran
6. Prakash Bikram Sah
7. Abhay Bikram Sah
Both Sl. Nos.6&7 Sons Of Late Prabha Devi and Late Indrajeet Bikram
Sah, Resident Of Village and Police Station- Ramnagar, District- West
Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. K.M.Joseph
For the Respondent nos.1to5 : Mr. U.S.S.Singh, GP-1

For the Respondent nos.6&7 : Mr.R.K.Chandram, AC to GP-1
Mr.Umesh Chandra Verma
Mr.S.K. Thakur

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 16-09-2015

Heard the parties.

The petitioners have filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondent nos.2 to 5 for restoration of their Jamabandi with respect to the lands, which were allegedly allotted to them under the provisions of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short 'Land Ceiling Act'), fully detailed in para 1 of the writ petition.

Learned counsel appearing on behalf of the petitioners submitted that for redressal of their valid grievances the petitioners filed their application on 16.08.2010 before the Additional Collector, West Champaran, Bettiah, as contained in Annexure-5, Whereafter, the Additional Collector, West Champaran, Bettiah by his letter dated 23rd August, 2010 (Annexure-6) issued direction to the Circle Officer, Bagaha-2 for taking appropriate steps for redressal of the valid grievances of the petitioners. However, according to the learned counsel, since the grievances of the petitioners were not being redressed, therefore, they filed the present writ petition for grant of reliefs enumerated in paragraph 1 of the writ petition.

In the present case, a detailed counter affidavit has been filed on behalf of the respondent nos.6 and 7 controverting the entire claims of the writ petitioners with respect to the lands under dispute. It is the case of the respondent nos.6 and 7 that the lands so claimed by the petitioners were ultimately allowed to be



retained by the land holder by the order(s) passed by the competent authorities under the Land Ceiling Act. Therefore, the petitioners have no valid claims over the lands in question. In the aforesaid counter affidavit, it has further been stated that in the light of the letter dated 23rd August, 2010 vide Annexure-6 of the Additional Collector, West Champaran, Bettiah, the respondent Circle Officer, Bagaha-2 started Misc. Case No.9 of 2012-13. It is being pointed out by the learned counsel appearing on behalf of the respondent nos.6 and 7 that during the pendency of the present writ petition, the final order was passed on 27.09.2012 by the respondent Circle Officer, Bagaha-2 in the aforesaid Misc. Case, whereby the claims of the petitioners were rejected and it was held that the Jamabandi of the petitioners regarding lands in question had already been cancelled earlier and they do not have possession over the lands in question.

A separate counter affidavit has been filed on behalf of the respondent nos.2 to 5 and in the aforesaid counter affidavit also it has been asserted that the lands claimed by the petitioners was allowed to be retained by the land holder under the permissible units allotted to him and thereafter Jamabandi standing in the name of the petitioners was cancelled by the order dated 10.04.1995.

In view of the averments made in the aforesaid counter affidavits filed on behalf of the respondents, learned counsel appearing on behalf of the petitioners submits that now the petitioners are basically aggrieved by the order dated 27.09.2012 passed by the Circle Officer, Bagaha-2 in Misc. Case No.9 of 2012-13, as contained in Annexure-F to the counter affidavit filed on behalf of the respondent nos.6 and 7.

Indisputably, against the impugned final order dated 27.09.2012 passed by the respondent Circle Officer, the petitioners have an alternative and efficacious remedy before the statutory authorities.

In above view of the matter, learned counsel appearing on behalf of the petitioners, in presence of learned counsel appearing on behalf of the respondents, seeks permission to withdraw the present writ petition with a liberty to approach the appropriate statutory authority for redressal of their valid grievances with respect to the lands under dispute.

Permission is accorded.

The writ petition stands dismissed as withdrawn with the liberty aforesaid.

If any appropriate petition is filed on behalf of the petitioners within a period of one month from today with a certified copy of the present order and, if it is found that it has become barred by limitation and, if any petition is filed on behalf of the petitioners for condonation of such delay, then the statutory authority shall take into consideration that on a bonafide legal advice the present writ petition was filed on 20.09.2011 and that remained pending before this Court till date and the impugned final order dated 27.09.2012 (Annexure-F) was passed during the pendency of the present writ petition.

It is clarified that the parties shall be at liberty to raise all the issues of facts and law, which may be available to them, with respect to the lands under dispute.

Arvind/-

(Birendra Prasad Verma, J)

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