# IN THE HIGH COURT OF JUDICATURE AT PATNA

**Civil Writ Jurisdiction Case No.8263 of 2008**

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Goswami Krishna Chaitanya Giri @ Krishna Chaitanya Giri, Chela (disciple) of Late Mahanth Scahida Nand Giri, resident of village Khajuhati, P.O. Kashila, P.S. Magadh University, Bodh Gaya, District Gaya

.... .... Petitioner/s

Versus

1. The State of Bihar though Secretary, Land Reforms Department, Government of Bihar, Patna
2. The Additional Member, Board of Revenue, Bihar, Patna
3. The Collector, Gaya
4. The Additional Collector, Gaya
5. The Circle Officer, Bodh Gaya Circle, District Gaya
6. Manth Harendra Giri, Chela (disciple) of Late Jagdish Nand Giri, resident of village Khajuhati, P.O. Kashila, P.S.Magadh University, Bodh Gaya, District Gaya

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Mahesh Narayan Parbat, Sr.Advocate
Mr.Arun Kumar Sinha, Advocate
Mr.Abhay Kumar Singh, Advocate

For the Respondent Nos. 1 to 5: Mr. Kamlesh Kishore, AC to GP 2

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**

ORAL ORDER

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5 30-11-2015 Heard the parties.

**2.** The petitioner is aggrieved by the order dated 10.07.2002 passed in Board's Revision Case No. 25 of 2001 by the respondent Additional Member, Board of Revenue, Bihar, Patna (Annexure-7), whereby the aforesaid revision application filed on behalf of the petitioner under Section 32 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short, "Land Ceiling Act") has been rejected primarily on the ground of limitation.

**3.** Learned counsel appearing on behalf of the petitioner submits that for grant of appropriate relief (s) with respect to the lands in question claimed by the petitioner, he had approached this Court in CWJC No. 11164 of 1995 which was finally dismissed by order dated 19.03.2001 (Annexure-6) on the ground of availability of alternative remedy of revision, but with certain observations. He further submits that in the light of the aforesaid order/observation dated 19.03.2001 (Annexure-6), the petitioner filed the revision application before the Board of Revenue, Bihar, Patna under Section 32 of the Land Ceiling Act, which gave rise to Board's Revision Case No. 25 of 2001. He fairly concedes that the revision application was not filed within the statutory period of 30 days and there was some unintentional delay in filing the aforesaid revision application, but the revision application filed by the petitioner was not decided on merit, rather by the impugned order it was dismissed primarily on the ground of limitation.

**4.** Though this writ petition was filed on 19.05.2008 and since then more than seven years have elapsed, yet counter affidavit has not been filed on behalf of the respondents.

**5.** In the aforesaid factual matrix of the case, this Court is of the opinion that the matter requires re-consideration and a fresh decision by the Board of Revenue, Bihar, Patna on merits after giving an opportunity of hearing to the petitioner, the respondents and all other concerned person (s), if any, if the lands in question has already been settled in favour of private individuals under Section 27 of the Land Ceiling Act.

**6.** For the reasons recorded above, the impugned order dated 10.07 2002 passed in Board's Revision Case No. 25 of 2001 by the respondent no.2, as contained in annexure-7, is hereby set aside and quashed and the matter is remitted back to the respondent no.2 for deciding the aforesaid revision case afresh on its own merits by a reasoned and speaking order.

**7.** It is directed that before passing any final order, the opportunity of hearing must be given to all concerned including the respondent no.6 by issuing a fresh notice to him. It is clarified that if on examination of the materials it transpires that the lands in question have been distributed to the beneficiaries under Section 27 of the Land Ceiling Act, then the petitioner shall be obliged to implead them as party respondents and before passing final order in the aforesaid revision application, opportunity of hearing shall be given to those beneficiaries also.

**8.** In order to expedite the matter, the petitioner is directed to appear before the Member, Board of Revenue, Bihar, Patna with a certified copy of the present order on or before 21st December, 2015, whereafter he shall either himself decide the matter afresh or shall transfer the record to any other Additional Member, Board of Revenue, Bihar, Patna, who shall finally decide the aforesaid revision application on its own merits, in the manner indicated above.

**9.** The writ petition stands allowed to the extent indicated, but with the observations and directions made above.

**(Birendra Prasad Verma, J)**

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