

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5578 of 1995

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1. Chhabinath Pathak
 2. Prabhunath Pathak, both son of Late Harbans Pathak, resident of village Rasulpur, P.S. Itarhi, District Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. The Member Board of Revenue, Bihar, Patna
3. The Collector, Buxar, Bihar
4. Additional Collector Reforms, Buxar
5. Deputy Collector Land Reforms, Buxar
6. The Circle Officer, Rajpur, District Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. M. Chatterjee, Advocate

For the Respondent/s : Mr. Din Bandhu Singh, GP-9

Mr. Santosh Kumar, AC to GP-9

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 23-07-2015

Heard learned counsel for the petitioners and Sri Din Bandhu Singh, GP-9 for the State as also perused the records of Ceiling Case No. 79/73 in which the impugned order dated 10.10.1991, Annexure-4 was passed by the D.C.L.R., Buxar in Land Ceiling Appeal No. 32/88-89/02/88-89 and petitioner no. 1 was allowed one unit in terms of the provision of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (hereinafter referred to as the Act).

2. The land holder assailed the aforesaid order dated 10.10.1991, Annexure-4 by filing Revision Case No. 81/1992 before the Board of Revenue, Bihar, as according to him he was entitled for one more unit for his adult brother. Additional Member, Board of Revenue under resolution dated 17.03.1994, Annexure-5 allowed petitioner no. 1 two units,

one for himself and another for his brother, petitioner no. 2.

3. This petition has been filed asserting that while granting two units to the land holder no enquiry as regards the nature of land was conducted as per the provisions of Section 4 of the Act. From perusal of resolution dated 17.03.1994 passed by the Additional Member, Board of Revenue, Annexure-5 it does not appear that Additional Member, Board of Revenue has considered any objective material to satisfy himself about the nature of the land in terms of Section 4 of the Act. Accordingly, resolution of Additional Member, Board of Revenue dated 17.03.1994, Annexure-5 is set aside in part asking the collector under the Act to ascertain the nature of the lands of the land holders with reference to the objective materials in accordance with Section 4 of the Act. Necessary exercise in terms of this order be completed by the collector under the Act in presence of the petitioners as early as possible, in any case, within two months from the date of appearance of the petitioners along with a copy of this order before the collector under the Act i.e. D.C.L.R., Buxar.

4. Application stands disposed of in the aforementioned terms.

(V.N. Sinha, J)

Rajesh/-

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