

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.221 of 2015

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Matiur Rahman, son of Late Abu Bakar, resident of Village - Khushalpur
Bel Thikri, P.S- Kadwa, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Katihar.
3. The Additional Collector (Ceiling), Katihar.
4. The Sub-divisional Officer, Barsoi Sub-division, District - Katihar.
5. The Circle Officer, Kadwa Anchal P.O and P.S kadwa, District - Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Samir Kumar Sinha

For the Respondent/s : Mr. Prabhat Ranjan, AC to GP-12

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 11-02-2015

Heard the parties.

Although the prayer of the petitioner is for direction to the respondents not to distribute the land purchased by the petitioner vide two sale-deeds dated 24.9.2013 but it is submitted by Mr. Prabhat Ranjan, learned Assisting Counsel to Government Pleader No.12 that as per the statement made in paragraphs 6 and 7 to the writ petition it transpires that the land in question belonged to Om Prakash Bhagat and Jai Prakash Bhagat and were declared surplus in a ceiling proceeding initiated under the provisions of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 in which final gazette was published as back as on

31.7.1998 declaring it surplus but despite this position the vendor of the petitioner Md. Yusuf claimed the land on purchase in 1973 and also subsequently sold it in favour of the petitioner in 2013. He submits that the petitioner also admits that he gathered information that this very land has been declared surplus as back as on 31.7.1998, meaning thereby it could not have been transacted by any individual.

Having heard learned counsel for the parties and in the circumstances discussed, there would be no occasion for interference with the action of the respondent-State in distribution of the surplus land. However, in so far as the grievance of the petitioner is concerned, he shall be at liberty to take recourse to such other remedy that may be available to him in law for redressal of his grievance as against his vendor.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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