

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6769 of 2011

=====

Ramdeo Yadav, son of late Meghu Yadav, resident of village-Pakilpar, Post Office-Madhukar Chauk, P.S. and Via-Behariganj, District-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Purnea.
3. The Circle Officer, Barhara Kothi Block, P.S.-Barhara Kothi, District-Purnea.
4. In-charge Deputy Collector, Sadar, Purnea.
5. Manjay Paswan, son of late Dilo Paswan, Resident of village-Laxmipur, P.S.-Barhara Kothi, Purnea.

.... Respondent/s

=====

With

Civil Writ Jurisdiction Case No.6848 of 2011

=====

Bindeshwari Prasad Yadav, son of late Mahabir Yadav, resident of village-Pakilpar, Post Office-Madhukar Chauk, Police Station and Via-Behariganj, District-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Purnea.
3. The Circle Officer, Barhara Kothi Block, Police Station-Barhara Kothi, District-Purnea.

.... Respondent/s

=====

With

Civil Writ Jurisdiction Case No.6934 of 2011

=====

Ramdeo Yadav, son of late Meghu Yadav, resident of village-Pakilpar, Post Office-Madhukar Chauk, P.S. and Via-Behariganj, District-Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Purnea.
3. The Circle Officer, Barhara Kothi Block, Police Station-Barhara Kothi, District-Purnea.

.... Respondent/s

=====

Appearance :

(In CWJC No.6769 of 2011)

For the Petitioner/s : Mr. Suraj Narayan Yadav
Mr.Manoj Kumar

For the Respondent/s : Mr. Kunal Tiwary, AC to GA-3
(In CWJC No.6848 of 2011)

For the Petitioner/s : Mr. Suraj Narayan Yadav
Mr.Manoj Kumar

For the Respondent/s : Mr. Narendra Kumar, AC to SC-22

(In CWJC No.6934 of 2011)

For the Petitioner/s : Mr. Suraj Narayan Yadav
Mr. Manoj Kumar

For the Respondent/s : Mr. Mahfooz Rahman, AC to SC-3

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

7 31-08-2015

In all the three matters issues of facts and law involved are almost identical and common; therefore, with the consent of the parties, all these three matters have been heard together and are being disposed of by this common order.

The petitioners, in all these three writ petitions, claim to be purchasers of certain plots of land mentioned in their respective writ petitions.

The grievance of the petitioners is that the lands purchased by them through different sale deeds were included in the land ceiling proceeding started against land holder Pratap Narayan Chand. It is also their grievance that, without giving an opportunity of hearing to them, their lands have been declared surplus under the provisions of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short 'Land Ceiling Act') and finally acquired under Section 15(1) of the Land Ceiling Act, whereafter it has been distributed amongst the beneficiaries under Section 27 of the Land Ceiling Act.

In the considered opinion of this Court, in view of the nature of the grievances raised on behalf of the petitioners in this batch of writ petitions, the only remedy available to them is to invoke the provisions under Section 45B of the Land Ceiling Act before the State Government, after impleading all the necessary parties including the original land holder or in case of his death his heirs and legal representatives as also the red card holders/parcha

holders, but, admittedly, the petitioners have not invoked the aforesaid statutory alternative remedy available to them.

In above view of the matter, all these writ petitions are disposed of with a liberty to the petitioners to file their separate petitions under Section 45B of the Land Ceiling Act before the prescribed authority within a period of two months from today with a certified copy of the present order.

If such appropriate separate petitions are filed on behalf of the petitioners under Section 45B of the Land Ceiling Act within the time prescribed above, after impleading all the necessary parties, then the same shall be considered and decided in accordance with law, after giving an opportunity of hearing to all concerned, but without being influenced/prejudiced by the present order whereby this Court had declined to grant relief to the petitioners with respect to the lands in question.

The order of stay passed on 28.06.2011 by a Bench of this Court stands vacated.

All the writ petitions stand, accordingly, disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

U			
---	--	--	--