

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2351 of 2015

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1. Mohan Yadav son of Jamdar Yadav resident of village - Masurarli, P.S. Shikarpur, Distt. - West Champaran.

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, West Champaran at Bettiah
3. The Additional Collector (Ceiling), West Champaran at Bettiah
4. The Circle Officer, Anchal Lauriya, West Champaran
5. Pradip Kumar Singh
6. Sandip Kumar Singh Both sons of Late Uma Shankar Singh Village - Laxmipur, P.S. Chanpatiya, Distt. West Champaran

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 2386 of 2015

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1. Haridwar Mishra S/o Dhrup Mishra
2. Mrityunjay Mishra S/o Haridwar Mishra
3. Yamuna Mahto S/o Late Nakchhed Mahto
4. Md. Sami S/o Late Fate Mohammad
5. Jokhan Tiwari S/o Nathuni Tiwari
6. KrishnaMahto S/o Late Narayan Mahto
7. Mohan Yadav S/o Dinanath Yadav
8. Suresh Sah S/o Bishwanath Sah All resident of village - Barawn Kala, P.S. - Lauriya, District - West Champaran.

.... Petitioners

Versus

1. The State of Bihar.
2. The Collector, West Champaran at Bettiah.
3. The Additional Collector (Ceiling), West Champaran at Bettiah.
4. The Circle Officer, Anchal - Lauriya, West Champaran.
5. Pradip Kumar Singh
6. Sandip Kumar Singh Both sons of Late Uma Shankar Singh, Village - laxmipur, P.S. - Chanpatiya, District - West Champaran.

.... Respondents

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Appearance :

(In CWJC No. 2351 of 2015)

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate.

For the Respondent/s : Mr. Ajay, GA-12

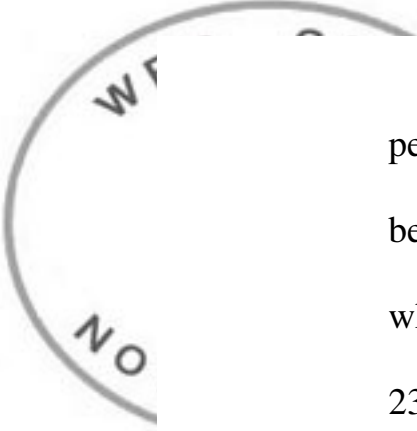
(In CWJC No. 2386 of 2015)

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate.

For the Respondent/s : Mr. R.K. Priyadarshi, SC-32

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 09-02-2015



Heard Mr. Aditya Nath Jha learned counsel for the petitioners in both the writ petitions, Mr. Ajay who has appeared on behalf of the State in C.W.J.C. No. 2351 of 2015 and AC to SC-32 who has appeared on behalf of the State in the cognate C.W.J.C. No. 2386 of 2015

After hearing both sides and with their consent both the writ petition(s) are being disposed of by the present order.

The petitioners of both the writ petitions claimed to be the purchasers of the land by different sale-deeds sometimes in 2010-11 from the grand sons (respondent nos. 5 and 6) of one late Ram Lakhan Singh. The contention of the petitioners is that a ceiling proceeding vide L.C. case no. 22 of 1973-74 was initiated against Ram Lakhan Singh which was dropped vide order dated 28.01.1986 (Annexure-2) since no land was found surplus in the hands of Ram Lakhan Singh. The petitioners purchased the land and are in cultivating possession thereof. By the notice, copy whereof has been enclosed as Annexure-4 to the C.W.J.C. No. 2351 of 2015, the petitioners have been called upon to appear before the Circle Officer in case no. Nil /2014-15 and submit his/their stand in relation to dispossession from the subject land.



The contention of the petitioners is that the land of Ram Lakhan Singh was never declared surplus and as such no purchase was issued in connection therewith. The petitioners after purchase of their land and prior thereto the landholders were in cultivating possession of the subject land. In such circumstances, it has been contended that the notice is completely arbitrary and merits to be quashed.

Per contra, Mr. Ajay, the counsel has taken a stand that the writ application(s) is/are pre-mature since by the notice (Annexure-4) petitioners have only been called upon to appear and produce all the relevant documents to support their contention with regard to their title and possession. If the petitioners appear and produce all the relevant documents the respondent- Circle Officer will consider the same and take appropriate decision in accordance with law.

Having considered the rival submissions as also the agreement at Bar, the writ applications are disposed of by the following order:-

Let the petitioner(s) appear before the respondent – Circle Officer within a period of three weeks and produce all the relevant documents and file show cause disclosing their right, title and interest in the subject land. Once any such application is filed within

the aforesaid time, the Circle Officer will consider the same and pass an appropriate/reasoned order thereon in accordance with law as quickly as possible preferably within one month therefrom. Until consideration and disposal of the matter in the light of the show causes(s) to be filed by the petitioners status quo as existing today in respect of the land claimed by the petitioners herein shall be maintained.

(Kishore Kumar Mandal, J)

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