

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5010 of 2006

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Rang Bahadur Singh son of Late Ramdin Singh, resident of Village Keshopur, P.S. Mohania, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Additional Member of Board of Revenue, Bihar at Patna.
3. The Collector, Kaimur at Bhabua.
4. The Additional Collector, Kaimur at Bhabua.
5. The Member of Board of Revenue, Bihar at Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey
Mr. Rajani Kant Pandey
For the Respondent/s : Mr. Praveen Kumar, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 28-08-2015

Heard the parties.

2. The petitioner has filed the present writ petition assailing the validity and correctness of order dated 03.09.2005 passed in Revision Case No.18 of 2005 by the respondent Member, Board of Revenue, Bihar, Patna, whereby 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 'the Land Ceiling Act') has been rejected and the order dated 31.05.2005 passed in Ceiling Appeal Case No. 3 of 1993-94 (Annexure-10) by the respondent District Collector, Kaimur (Bhabhua) has been affirmed. The petitioner is also aggrieved by the letter/ communication dated 30.06.2001 (Annexure-5) issued by the respondent Additional Collector, Kaimur (Bhabhua) whereby direction has been issued for distribution of surplus land of the landholder acquired under Section 15(1) of the Land Ceiling Act.

3. The relevant facts can be put in a narrow compass. A Land Ceiling Surplus Case No. 130 of 1973-74 was started against the landholder Ram Briksh Singh, who was none else, but the natural/ biological father of the petitioner. In the aforesaid land

ceiling case, the lands in question, total area being 19.41 acres claimed by the petitioner, was also treated to be the lands of the landholder Ram Briksh Singh. In the land ceiling proceeding admissible unit was allotted to the landholder Ram Briksh Singh and he was allowed to retain lands to the extent admissible to him and remaining areas of lands were declared surplus lands of the landholder.

4. Subsequently, the petitioner raised a claim that he is the adopted son of one Ram Deen Singh and his adoption had taken place on 13.08.1966. Therefore, 19.41 acres of land belonging to him may be excluded from the land ceiling proceeding. The claim raised on behalf of the petitioner was rejected by the Collector under the land ceiling Act. After a few round of litigations, the matter was remanded back by the Additional Member, Board of Revenue for consideration of the claim of the petitioner afresh. In view of the aforesaid remand order, the matter was considered afresh by the respondent District Collector, Kaimur (Bhabhua), who, by his impugned order dated 31.05.2005, disbelieved the claim of adoption for the reasons recorded in that order and it was treated to be the land of the landholder Ram Briksh Singh, the natural/ biological father of the present petitioner. The order passed by the District Collector has been affirmed by the Member, Board of Revenue by the impugned order dated 03.09.2005. All the authorities have recorded a finding of fact that the petitioner failed to produce relevant documents/ materials in support of his claim of adoption. On the alleged deed of adoption dated 13.08.1966, signature and consent of parent's of the petitioner are not there. Other conditions for a valid adoption under the Hindu Adoptions and Maintenance Act, 1956 are completely missing. Hence, it was treated to be a void document to have been created to defeat the provisions of Land Ceiling Act.

5. Apparently, there has been concurrent finding of facts by all the authorities under the Land Ceiling Act disbelieving the claim

of petitioner for adoption. Learned counsel appearing on behalf of the petitioner has not been able to dislodge the finding recorded by all the three authorities.

6. Evidently, the natural father of the petitioner Ram Briksh Singh was allowed to retain admissible areas of land to the extent of unit allotted to him under the Land Ceiling Act. Furthermore, from perusal of letter/communication dated 30.06.2001 (Annexure-5), it is apparent that the surplus land of the landholder was acquired under Section 15(1) of the Land Ceiling Act by gazette notification dated 10.05.1995 and those acquired lands were directed to be distributed amongst eligible persons. However, in the present proceeding neither the original landholder nor the settlees of the lands have been impleaded as party respondents. Even the orders of settlement have not been challenged in the present proceeding, whereas there has been concurrent finding of facts by all the three authorities that the claim of adoption of the petitioner was not valid and thereby his claim for exclusion of the land in question from the land ceiling case was not admissible. Hence, said claim has been rejected by the impugned orders.

7. In above view of the matter, this Court does not find any good ground to interfere with the impugned orders.

8. Consequently, the writ petition has to fail and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

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