

-IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5240 of 2015

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1. Ram Neti Rai son of Late Raunak Rai
2. Most Raj Kumari Devi wife of Late Ram Bharose Rai
3. Baidyanath Rai alias Baidyanath Kumar Yadav son of Raunak Raj
4. Ram Binod Rai son of Late Raunak Rai
5. Brijnand Rai son of Late Naseeb Lal Rai
6. Ramanand Rai son of Late Naseeb Lal Rai
7. Dayanand Rai son of Late Naseeb Lal Rai
8. Tunnilal Rai son of Late Naseeb Lal Rai All resident of villaga
Adil Nagar alias Adalpur , P.O. Adalpur, P.S. Jandaha, District Vaishali.
..... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Land Reforms, Patna
2. The Commissioner, Tirhut Division, Muzaffarpur
3. The Collector , Vaishali at Hajipur
4. The Additional Collector , Vaishali at Hajipur
5. Sri Satya Narayan Prasad son of Late Jagarnath Prasad Resident of
village Rasalpur Bhagwa @ Chainpur, P.S. Mahua, District Vaishali
6. Mohini Devi wife of Late Bhupendra Prasad Shukla
7. Reghvendra Prasad Shukla both sons of Rajendfra Prasad Shukla
Resident of Village Kanhauli, Anchal Goraul , P.S. Mahua, District
Vaishali.
8. Chandra Manjhi son of Kali Manjhi
9. Kamal Manjhi son of Hira Manjhi null
10. Brahamdeo Manjhi son of Ramphal Manjhi
11. Ram Baran Manjhi son of Dhorha Manjhi
12. Nainipat Manjhi son of Kali Manjhi
13. Chandreshwar Manjhi son of Barajballabh Manjhi
14. Horil Manjhi son of Madhusudan Manjhi
15. Chandeshwar Ram son of Kali Charan Ram
16. Harendra Paswan son of Chaitu Paswan No. 8to 16 of resident of
village Adalpur, P.O. Adalpur, P.S. Jandaha, District Vaishali
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
Mr.Sanjay Kuumar, Advocate
For the Respondent Nos. 1 to 4 : Mr. Ajay, GA 12

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 03-08-2015

Heard the parties.

2. The petitioners have filed the present writ petition under Article 226 of the Constitution of India for setting aside the order dated 11.07.2006 (Annexure-10) passed in Ceiling Appeal

No. 285-F.O of 1995-96 by the respondent Divisional Commissioner, Muzaffarpur, whereby the aforesaid appeal was dismissed.

3. Indisputably, land ceiling case No. 6 of 1975-76 was started by the competent authority under the provision of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short, “the Ceiling Act”) against the respondent nos. 6 and 7, being Landlords.

4. In the aforesaid Land Ceiling case, the lands-in-question were declared surplus. The petitioners claim to have purchased certain plots of land from the respondent no.5 and not from the land-holders respondent nos. 6 and 7 in the year 1990 i.e. much after the appointed day (09.09.1970). The respondent no. 5 is alleged to be the settllee of the respondent nos. 6 and 7, the land holders. The claim of right, title and possession of the respondent no.5 with respect to the lands in question was not accepted by the District Collector, Vaishali by his order dated 28.05.1993 (Annexure-7) passed in Ceiling Case No. 1 of 1992-93 and lands in question were held to be the lands of Respondent Nos. 6 and 7, since no valid papers in support of such settlement were produced by the respondent no.5. In above view of the matter, the petitioners are purchasers from a person who had no right and title over the lands in dispute.

5. The petitioners, being aggrieved by the aforesaid order dated 28.05.1993 (Annexure-7) passed in Ceiling Case No. 1 of 1992-93, had earlier moved this Court in CWJC No. 7930 of 1994 and that writ petition was dismissed as withdrawn vide order dated 20.04.1995(Annexure-8), but liberty was granted to the petitioners to file an appeal before the Divisional Commissioner.

The petitioners, thereafter, filed Ceiling Appeal No. 285-F.O/1995-96 before the Divisional Commissioner, Muzaffarpur, but no pairvi was being made on behalf of the petitioners since 16.04.2003 for last 15 dates. Therefore, aforesaid ceiling appeal was dismissed for default by the impugned order dated 11.07.2006 (Anneure-10).

6. Learned GA XII appearing on behalf of the respondent nos. 1 to 4 submits that the present writ petition suffers from delay and laches on the part of the petitioners and is liable to be dismissed on that ground alone. It is pointed out that against the impugned order dated 11.07.2006 (Annexure-10), the present writ petition was filed on 03.04.2015 after an undue and unexplained delay of about nine years.

7. After having heard the parties, this Court is of the opinion that the writ petition is fit to be dismissed on the ground of delay and laches on the part of the petitioners. No valid explanation has been furnished by the petitioners for coming to this Court after about nine years against the impugned order dated 11.07.2006 (Annexurre-10). Further more, this Court is of the opinion that the petitioners have purchased the lands in question from a stranger and not from the land-holders. Therefore, they have not acquired their right and title over the same.

8. For the reasons recorded above, this Court is not inclined to interfere with the impugned order. Consequently, the writ petition has to fail and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

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