

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21309 of 2012

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1. Kamala Nand Jha
 2. Bimla Nand Jha
 3. Ganga Nand Jha

All Sons of Late Tritha Nand Jha, Resident of Village - Belai Pothia, Police Station - Simraha, District - Araria

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary-Cum-Commissioner, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat, Harding Road, Patna - 800001
2. The Collector, Araria
3. The Additional Collector (Ceiling) Araria
4. The Deputy Collector, Land Reforms, Forbesganj, Araria
5. The Circle Officer, Simraha, Forbesganj, Araria
6. Most. Sharda Devi, Wife of Late Rudranand Thakur, Resident of Village - Ramai, Police Station - Forbesganj, District - Araria

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Madhav Roy Mr. Rabindra Nath Tiwari Mr. Kanti Jha Mr. Mukesh Kumar
For the Respondent nos. 1 to 5 :	:	Mr. Kumar Alok, SC-8 Mr. (Dr.) Raj Kumar Singh, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 09-10-2015 After having heard the parties and taking into consideration the materials available on the record including the averments made in the counter affidavit filed on behalf of the respondent nos. 2 to 4, in the considered opinion of this Court the petitioners have an alternative and efficacious statutory remedy before the State Government under Section 45-B of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short 'Land Ceiling Act').

Admittedly, the lands in question claimed by the petitioners were subject matter of land ceiling proceeding started

against the respondent no.6 and same were declared surplus under Section 11(1) of the Land Ceiling Act, which were subsequently acquired by issuance of a notification under Section 15(1) of the Land Ceiling Act, as a result of which it vested in the State of Bihar free from all encumbrances.

In above view of the matter, if the petitioners are at all aggrieved by the orders passed in the aforesaid land ceiling case started against the respondent no.6, and the notification(s) issued, then they have the statutory remedy and they can approach the State Government under Section 45B of the Land Ceiling Act for reopening of the aforesaid land ceiling case for the purposes of exclusion of the lands in question and for grant of other appropriate relief(s) to the petitioners, for which they may found entitled to.

Accordingly, the present writ petition stands disposed of with a liberty to the petitioners to approach the State Government under Section 45-B of the Land Ceiling Act after impleading all the necessary parties for grant of appropriate relief(s) with respect to the lands in question claimed by them. The petitioners shall also be entitled to pray for interim relief, if so required.

(Birendra Prasad Verma, J)

Arvind/-

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