

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14423 of 2001

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1. Sukhdeo Chaudhary son of Sri Ram Chalitra Choudhary.
2. Smt. Yashoda Devi, wife of Sri Ram Chalitra Choudhary, residents of
village- Manopur, P.S. Bhagwanpur, District- Begusarai.
..... Petitioner/s

Versus

1. The State of Bihar
2. The District Collector, Patna, at, P.O. and District- Patna.
3. The District Collector, Begusarai, At, P.O. and District- Begusarai.
4. The Additional Collector, Patna, At, P.O. and District Patna.
5. The Circle Officer, Bhagwanpur Anchal, At and P.O. Bhagwanpur,
District Begusarai.
6. Ram Ratan Singh, son of late Saryug Singh, of Village Agapur, P.O.
and P.S. Bhagwanpur, District Begusarai, at present resident of
Village Maranchi, Tola Tajpur, P.O.- Maranchi, P.S. Mokama,
District Patna.
7. Ramesh Prasad Singh,
8. Umesh Prasad Singh, sons of of late Kedar Pd. Singh (Land Holder).
Of Village- Lakhanchand, P.O. and P.S. Mokama, District Patna.
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar, Adv.
Mr. Rama Sinha, Adv.
Mrs. Pravina Kumari (Rai) , Adv.

For the Respondent No.1 to 5 : Mrs. Kumari Amrita, G.P. 3
Mr. Mritunjay Kumar, AC to G.P. 13

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 05-08-2016 The petitioners have filed the present writ petition under Article 226 of the Constitution of India assailing the validity and correctness of the Gazette Notification No. 42 dated 1st June, 1990 (Annexure-4) issued under Section 15(1) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short Land Ceiling Act), whereby the lands in question, fully detailed in paragraph-6 of the writ petition, besides other plots of lands, were acquired under Section 15(1) of the Land Ceiling Act after treating the same to be surplus of the landholder.

Indisputably, with respect to the lands in question, a ceiling surplus case was started against the original landholder Kedar Prasad Singh and after following the procedure the lands in question were declared surplus and finally by the impugned notification (Annexure-4), it was acquired by the State Government.

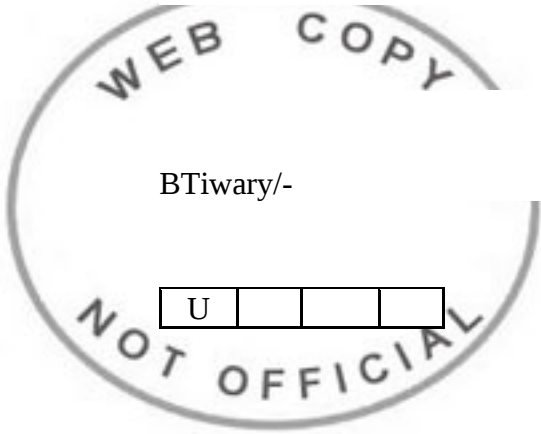
In the writ petition filed on behalf of the petitioners in paragraph-6, they claim to have purchased the lands in question through two registered sale deeds dated 31.1.1978 from one Lakhan Prasad Singh. However, the copies of the sale deeds have not been brought on record. Furthermore, the sale deed allegedly executed in favour of aforesaid Lakhan Prasad Singh earlier by the original landholder has also not been brought on the record.

The learned G.P. 3. appearing on behalf of the respondent no. 1 to 5, by referring to the averments made in the two separate counter-affidavits filed on behalf of the respondent nos. 2 & 4 and respondent nos. 3 & 5 respectively, submits that at no point of time any objection was filed either by the original landholder or by the purchaser that the lands in question do not belong to the landholder and, therefore, it was treated to be that of the landholder and finally it was declared surplus.

The averments made in the aforesaid counter-affidavits filed on behalf of the respondents disputing the claim of the writ petitioners with respect to the lands in question have not been controverted by the writ petitioner till date, though the copies of the aforesaid two counter-affidavits were served upon the learned counsel for the petitioners way back in the year 2002 itself.

In above view of the matter, this Court is not inclined to accede to the prayer made on behalf of the petitioners in the

present writ petition. Accordingly, the writ petition is dismissed, but without costs.



(Birendra Prasad Verma, J)