

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1381 of 2013

IN

Civil Writ Jurisdiction Case No. 6521 of 1990

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1. Sri Ram Janki Thakurbari through its Shebait Tripurari Pandey, situated in village Deul, P.S- Jagdishpur, District- Bhojur (Arrah)
 2. Tripurari Pandey S/O Late Ram Ranvijay Pandey @ Ram Ran Vijay Prasad Pandey (Deceased) R/O Village- Deul, P.S- Jagdishpur, District- Bhojur.
 3. Phul Kishori Kuer W/O Late Ram Ranvijay Pandey @ Ram Ranvijay Prasad Pandey R/O Village- Deul, P.S- Jagdishpur, District- Bhojur.

.... Appellants

Versus

1. The State of Bihar
2. The Anchal Adhikari, Jagdishpur, Bhojur.
3. The Deputy Collector, Incharge Land Reforms, Sadar, Arrah (Bhojur)
4. The Additional Collector, Bhojur (Arrah)
5. The Collector, Bhojur (Arrah)
6. The Additional Member, Board of Revenue, Bihar at Patna.
7. Sanju Devi, W/o –Sirsa Nath Adheesh, D/o Late Ram Ranvijay Pandey @ Ram Ranvijay Prasad Pandey, R/o Vill – Samardh, P.S. – Bihiya, District – Bhojur (Ara).

.... Respondents

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Appearance :

For the Appellants : Mr. Dhruv Narayan Singh, Sr. Advocate
Mr. Jitendra Prasad Singh, Advocate
For the Respondents : Mr. Nasim Yahya, G.P.13

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 15-02-2016

Heard Sri Dhruv Narayan Singh, learned

Senior Counsel in support of this appeal and learned

counsel for the State.



The appeal is barred by limitation. The delay is over 3 years. The only reason given is that even though writ application was disposed of and information was sent to the client, but due to postal jugglery it was not received, and as such no steps could be taken. However, we have heard learned counsels on merits of the case as well.

The matter relates to declaration of agricultural land as ceiling surplus. The appellants being Shebait claimed that the land in question was dedicated to the deity by gift deed of the year 1971, executed by one Rudheshra Kuer wife of late Harnandan Pandey of village Deul, P.S. Jagdishpur, District- Bhojpur (Arrah). It is contended that earlier ceiling proceedings were initiated against the said land holders, wherein noticing that by about 11 gift deeds 99 acres of land was gifted by her in the year 1971 to different persons including the present endowment and gift in relation thereto. This was done allegedly with the permission of the Deputy Collector, Land Reforms. The agricultural land ceiling proceedings were dropped, but soon thereafter, in exercise of



powers conferred under Section 45B of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, the Collector of the District re-opened the ceiling proceedings suo motu and upon notices being issued, the appellant appeared and pleaded that the proceedings (gift) in the year 1971 were made by registered document after permission of the Collector. The orders would show that the Collector of the District, considered the whole matter and held that D.C.L.R. was not competent to grant permission, which, itself, otherwise, was granted in the year 1974, and not as prior permission. That being so, it was held that the gifts were in conflict with the provisions of Section 5(1)(ii) of the Act, and would thus be treated as a part of land holders agricultural land holding, and consequently, would be in excess of ceiling area, liable to be declared. So also, statutory appeal and revision failed. The writ petition was also dismissed on the same ground.

We have gone through the pleadings and we find nowhere any attempt has been made to bring on record the order even of the D.C.L.R. granting

permission to gift the lands. From the records, this permission, which was granted in the year 1974, is not challenged. Thus, even this permission was obtained after the gift was made and that too, after the death of the land-holder, who admittedly died in the year, 1972.

In view of the facts aforesaid, we are not inclined to interfere in the matter. This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/A.F.R.

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