

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12724 of 2008

=====

Devendra Maharaj son of late Janak Maharaj, resident of village
Ajnauli, P.S. Besfi District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. Collector, Madhubani.
3. Circle Officer, Besfi Anchal, District Madhubani.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Jha

For the Respondent/s : Mr. Pratik Kr. Sinha, AC to GA- XII

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 22-04-2016 The petitioner is aggrieved by the orders dated 27.05.1993 passed separately in Miscellaneous Land Ceiling Case No. 21 of 1992-93 and Land Ceiling Case No. 22 of 1992-93 by the respondent District Collector, Madhubani, as contained in Annexure-2 series, whereby the petitions filed on his own behalf as also on behalf of his father late Janak Maharaj for exemption of the lands claimed by them from the land ceiling case started and concluded against the original landholder Chaudhary Bhal Chandra Mishra have been rejected.

From the materials available on record, it is apparent that the Land Ceiling Surplus Case No. 1 of 1973-74 (State Vs. Chaudhary Bhal Chandra Mishra) was started against the original landholder and after publication of draft statement under Section 10(2) of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (In short 'the Land Ceiling Act') and after disposal of objection(s) under Section 10(3) of the Land Ceiling Act, finally lands in question claimed by



the petitioner were declared surplus by treating the same belonging to the original landholder- Chaudhary Bhal Chandra Mishra. The original landholder Chaudhary Bhal Chandra Mishra, not being satisfied with the order passed by the Collector under the Land Ceiling Act, filed an appeal, which was also finally dismissed by an order dated 07.04.1993 passed by the appellate authority. The petitioner, after long time, filed the aforesaid two miscellaneous cases seeking exemption of the lands in question from the aforesaid land ceiling case started and concluded against the original Landholder, but no document in support of his claim over the lands in question was produced before the respondent District Collector and, therefore, same was dismissed by the impugned orders dated 27.5.1993, as contained in Annexure- 2 series.

The present writ petition suffers from delay and laches. Admittedly, the impugned orders was passed on 27.05.1993 after giving an opportunity of hearing to the petitioner, but neither the petitioner nor his father, who is now dead, challenged the impugned orders before the higher authorities i.e. appellate authority and revisional authority, but after a long delay of almost 15 years, he has filed the present writ petition before this Court under Article 227 of the Constitution of India. In the whole writ petition, delay of 15 long years has not been explained. In the meantime, his father- Jank Maharaj has also passed away. Furthermore, original landholder Chaudhary Bhal Chandra Mishra or his heirs or legal representatives have also not been impleaded as party respondents in the present writ petition; therefore, this Court is of the opinion that this writ petition does not suffer from delay and laches only, but it suffers from non-joinder of the

necessary parties also.

In above view of the matter, this Court is left with no option, but to dismiss the writ petition, for the reasons recorded above. It is ordered accordingly. However, there shall be no order as to costs.

(Birendra Prasad Verma, J)

BTiwary/-

U			
---	--	--	--