

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6291 of 2008

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Neeraj Kumar Singh, son of Sri Narayan Singh, resident of village-Nonia, Tola Mahadeva, P.S.-Raxual, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
 2. The Chairman, Bihar Bhoodan Yagna Committee, Patna, Jagat Narayan Road, Kadamkuan, Patna.
 3. Karyalaya Mantri, Zila Bhoodan Yagna Karyalaya, Motihari, East Champaran.
 4. The Collector, East Champaran.
 5. The Deputy Collector Land Reforms, Raxaul Sub-Division, East Champaran.
 6. The Circle Officer, Circle Raxual, District-East Champaran.
 7. Suresh Prasad Singh, son of late Yamuna Singh.
 8. Shivendra Kumar Singh, son of late Yamuna Singh
 9. Dr. Amrendra Kumar Singh, son of late Yamuna Singh
 10. Jainendra Kumar Singh, son of late Yamuna Singh
- All respondent nos.7 to 10 are resident of village-Nonia, Tola Mahadeva, P.S.-Raxual, District-East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghwanand, Adv.

For the Respondent no.8 : Mr. Amarnath Mishra, Adv.
Mr. Sahjanand Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

12 20-04-2016

Heard the parties.

The petitioner has filed the present writ petition raising a grievance that, though the lands of plot nos.832, 881, 1698, 901 and 902, fully detailed in paragraph 19 of the writ petition, belong to him, yet some obstructions are being created in his possession on the basis of a Dan Patra dated 06.07.1953 given in favour of Bihar Bhoodan Yagna Committee by one Babu Yamuna Prasad Singh and others. A copy of the aforesaid Dan Patra has been brought on record as Annexure-2 to the writ petition.

Learned counsel appearing on behalf of the petitioner

submits that, on plain perusal of the aforesaid Dan Patra, it is apparent that out of total area of 58 acres and 75 decimals of different plots of lands mentioned therein only an area of 31 acres of lands were donated to Acharya Vinoba Bhave, which ultimately vested in the Bihar Bhoodan Yagna Committee.

This matter was heard earlier on different dates and thereafter supplementary affidavit on behalf of the petitioner as also counter affidavit on behalf of the respondent no.8 were filed. The petitioner has filed a reply affidavit to the counter affidavit filed on behalf of the respondent no.8 bringing on record the letter dated 05.09.2008 issued by the Office Secretary of the District Bhoodan Yagna Committee, Motihari, which has been marked as Annexure-6 to the aforesaid reply affidavit.

Learned counsel appearing on behalf of the petitioner further submits that by the aforesaid letter, as contained in Annexure-6, it has been clarified by the District Bhoodan Yagna Committee that all the 31 acres of lands, which was gifted to the Bihar Bhoodan Yagna Committee by virtue of Annexure-2, have already been distributed amongst the beneficiaries. However, so far the lands claimed by the petitioner, fully detailed in paragraph 19 of the writ petition, is concerned, according to the learned counsel, it has been clarified that those plots of lands or the area of lands claimed by the petitioner were not subject matter of donation and in fact lands claimed by the petitioner are free from Bihar Bhoodan Yagna Committee.

It is to be noted that though the aforesaid reply affidavit was filed on behalf of the petitioner way back on 15th May, 2015, after service of its copy upon the learned counsel for the Bihar Bhoodan Yagna Committee as also learned counsel

appearing on behalf of the respondent no.8, but till date no affidavit has been filed on behalf of the respondents controverting the averments made in the aforesaid reply affidavit.

In above view of the matter, the writ petition stands disposed of as cause of action does not survive and grievances of the petitioner have fully been redressed.

Arvind/-

(Birendra Prasad Verma, J)

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