

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1531 of 2016

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Mahant Awadh Kishore Das, Chela Of Mahanth Mathura Das Resident of village- Mohanpur, Ratanpur Tola, Garahi, Police Station-Patori, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary (Revenue and Land Reforms Department) Bihar, Patna
 2. The Collector, Samastipur
 3. The Deputy Collector, Land Reform ,Samastipur
 4. The Additional Deputy Collector, Samastipur.
 5. The Sub -Divisional Officer, Patori
 6. The Circle Officer, Patori, Samastipur
 7. The Bihar State Board of Religious Trust , Patna
 8. Kali Ram son of late Prakah Ram
 9. Tapeswar Ram Son of Baleshwar Ram
 10. Guneshwar Ram son of late Jai Ram
 11. Sonelal Ram Son of Laxmi Ram
 12. Sona Devi W/o Lakhan Dev Rai
 13. Rajesh Rai W/o Lakhan Devi Rai
 14. Shekhar Ram Son of Mithu Ram
 15. Mauji Lal Ram S/o Lakhan Ram
 16. Mahendra Hazara Son of Ram Pratap Hazara
 17. Bhubneshwar Hazara Son of Ramphal Hazara
 18. Vishwanath Hazara Son of Ramdhari Hazara
 19. Sakaldeep Hazara Son of Kali Hazara
 20. Bhuwandeve Hazara Son of Pyare Hazara
 21. Om Prakash Rai Son of Baidhnath Rai
 22. Ravindra Rai Son of Dukh-Haran Rai
 23. Mushafir Thakur Son of Chandra Thakur
 24. Sakhichandra Hazara Son of Maheshwar Hazara
- All Residents 8 to 15 and from 19 to 22 of Village Mohanpur and from 16 to 17 are resident of Dhamoun Dakshini , P.S.- Patori , District- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Kant Singh, Adv. Mr. Arjun Prasad Kunwar, Adv.
For the Respondent nos.1to6	:	Mr. Sunil Kumar, AC to SC-2
For the Respondent no.7.	:	Mr.Ganpati Trivedi, Sr.Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2	18-04-2016	Heard the parties.
		Indisputably, the Land Ceiling (Surplus) Case No.5



of 1990-91 was initiated against the original land holder Mahanth Mathura Das by the respondent D.C.L.R., Samastipur, the Collector under the meaning of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short 'Land Ceiling Act'). It is also an admitted fact that, after preparation of draft statement under Section 10(1) and its publication under Section 10(2) of the Land Ceiling Act, certain objections were filed under Section 10(3) of the Act, which were finally disposed of by the Collector under the Land Ceiling Act. Finally, by an order dated 14.08.1995, it was held that the land holder was having altogether 55.78 acres of different class of lands, which on conversion was found to be 81.60 acres of class-IV lands. The Math was treated to be the land holder and it was allowed to retain 30 acres of class-IV lands, and finally 51.60 acres of class-IV lands were declared surplus. Accordingly, final publication of draft statement under Section 11(1) of the Land Ceiling Act was directed to be made. In the light of the aforesaid order dated 14.08.1995, final publication of draft statement under Section 11(1) of the Land Ceiling Act was finally made and it was published in the District Gazette by virtue of the order dated 14.08.1995 passed by the respondent D.C.L.R., Sadar Samastipur. All these facts are apparent from the entire order-sheet of the aforesaid Land Ceiling (Surplus) Case No.5 of 1990-91, which has been brought on record as Annexure-3 to the writ petition.

Learned counsel appearing on behalf of the petitioner has fairly submitted that, against the aforesaid order, an appeal was preferred by the present petitioner, which gave rise to Land Ceiling Case No.16 of 1998-99/9 of 1999-2000, but that was finally dismissed by an order dated 06.09.2002, which is part of

Annexure-6.

Admittedly, by the aforesaid orders passed by the original authority as also the appellate authority under the Land Ceiling Act, the claim of the petitioner to be the land holder has not been accepted, rather Math has been treated to be land holder. In that view of the matter, the petitioner cannot lay a valid claim over the lands in question.

In above view of the matter, this Court does not find any good ground to interfere with the impugned communication dated 04.12.2015 issued by the respondent District Collector, Samastipur (Annexure-10) directing the different subordinate authorities to ensure possession of parcha holders, who have been issued parcha under the provisions of the Land Ceiling Act, over the surplus land, which were finally acquired by the State Government under Section 15(1) of the Land Ceiling Act.

The writ petition is devoid of merit and is, accordingly, dismissed.

However, if the dispute between the petitioner and the Bihar State Board of Religious Trust, Patna is resolved and the petitioner is treated as Mahanth of that Math, then, in that case, he shall be at liberty to approach the competent authority under the provisions of the Land Ceiling Act for grant of appropriate relief(s) with respect to the lands, which have been allowed to be retained by the land holder.

(Birendra Prasad Verma, J)

Arvind/-

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