

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11665 of 2014

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1. Madan Harijan, son of Swarup Lal Harijan, resident of village- Bhawanipur, P.S.- Gopalpur, District- Bhagalpur
 2. Shakuntala Devi, wife of Late Nageshwar Harijan, resident of village- Bhawanipur, P.S.- Gopalpur, District- Bhagalpur
 3. Mangli Devi, wife of Anandi Das, resident of village- Bhawanipur Nayatola, P.S.- Gopalpur, District- Bhagalpur
 4. Rekha Devi, wife of Anjani Das, resident of village- Bhawanipur Nayatola, P.S.- Gopalpur, District- Bhagalpur
 5. Geeta Devi, wife of Rajendra Das resident of village- Sadhopur, P.S.- Gopalpur, District- Bhagalpur
 6. Dharamveer Das, son of Rajendra Das, resident of village- Sadhopur, P.S.- Gopalpur, District- Bhagalpur
 7. Kusheshwar Harijan, son of Umesh Harijan, resident of village- Bhawanipur, P.S.- Gopalpur, District- Bhagalpur
 8. Mostt. Jagiya Devi, wife of Swaroop Lal Mandal, resident of village- Bhawanipur, P.S.- Gopalpur, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat, Patna
2. The Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat, Patna
3. The Commissioner, Bhagalpur Division, Bhagalpur
4. District Magistrate/collector, Bhagalpur, District- Bhagalpur
5. The Additional Collector (Ceiling Bhagalpur)
6. The Sub-Divisional Officer, Naugachia, District- Bhagalpur
7. The Circle Officer, Gopalpur Anchal, District- Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Kashyap, Adv.
For the Respondent/s : Mrs. Shilpa Singh, GA-12
Mr.Ranjan Kumar, AC to GA-12

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 02-09-2016

Heard the parties.

As per the averments made in paragraph 11 of the writ petition itself, Revision Case No.1 of 2012 filed on behalf of the original land holder in terms of Section 32 of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus

Land) Act, 1961 (in short 'Land Ceiling Act') is still pending before the Board of Revenue, Bihar, Patna.

The petitioner has filed the present writ petition seeking a direction to the respondents for giving them possession over the lands in question for which parchas were allegedly granted to them under Section 27 of the Land Ceiling Act.

In view of the admitted position that the land ceiling case was started against the original land holder, though concluded by the Collector under the Act, but revision petition filed on behalf of the land holder is still pending before the Board of Revenue, Bihar, Patna, the reliefs sought for on behalf of the petitioners cannot be granted at this stage.

The writ petition seems to be completely misconceived and is, accordingly, dismissed.

However, the petitioners, if so advised, may intervene in the aforesaid Revision Case No.1 of 2012 pending before the Board of Revenue, Bihar, Patna and if final order is passed by the Board of Revenue, Bihar, Patna and surplus land declared in the ceiling case is upheld by the Board of Revenue, Bihar, Patna, then the petitioners shall be at liberty to approach the competent authority for giving possession over the lands in question to them for which they were allegedly issued red cards under Section 27 of the Land Ceiling Act.

(Birendra Prasad Verma, J)

Arvind/-

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