

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3949 of 2014

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1. Rabindra Tiwary @ Rabindra Nath Tiwary, Son Of Nathuni Tiwary
2. Paras Nath Tiwary @ Paras Tiwary, Son Of Sharda Nand Tiwary
3. Janardan Tiwary
4. Ram Surat Tiwary
5. Nathuni Tiwari
6. Dhurvadeo Tiwary @ Dhrup Deo Tiwary
Sl. No. 3 To 6 Are Sons Of Vindhyachal Tiwary
All Resident Of Village- Samahuti, Post Office And Police Station-
Vijayipur, District- Gopalganj

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Land Reforms And Revenue, Govt. Of Bihar,
Patna
3. The Collector Gopalganj, District- Gopalganj
4. Subhadra Das @ Mahanth Subhadra Das Wife Of Late Mahanth Ramji
Das Resident Of Village- Vijaipur Math, P.S. And P.O. Vijayipur, District-
Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Rai, Adv.
For the Respondent nos.1to3 : Mr. Kumar Manish, SC-21
For the Respondent no.4 : Mr.Mritunjay Prasad Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 20-05-2016 Heard the parties.

The petitioners claim to be the purchasers of the lands in question, fully detailed in paragraph 7 of the writ petition, from the original land holder Mahanth Ram Bali Das through different registered sale deeds dated 14.12.1976.

Learned counsel appearing on behalf of the petitioners submits that the Land Ceiling Case No.9 of 1974-75 was started against aforesaid Mahanth Ram Bali Das under the provisions of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short 'Land Ceiling Act'), but, at no point of time, any opportunity was given

to these petitioners for filing their objections under Section 10(3) of the Land Ceiling Act and finally by treating the lands in question to be that of land holder, it was declared surplus and ultimately, it has been acquired by the State of Bihar, after option exercised by the heirs of original land holder namely Smt.Subhadra Das, the respondent no.4.

In above view of the matter, this Court is of the opinion that the petitioner has an alternative and efficacious remedy before the State Government under Section 45-B of the Land Ceiling Act. Indisputably, the aforesaid land ceiling case has been concluded. Unless and until that land ceiling case is reopened under Section 45-B of the Land Ceiling Act the relief sought for on behalf of the petitioners cannot be granted in the present proceeding. In fact, Section 45-B of the Land Ceiling Act is on the Statute-book only for such eventualities.

In above view of the matter, the petitioners are granted liberty to file an appropriate petition under Section 45-B of the Land Ceiling Act before the State Government, after impleading all the necessary parties including the land holder and the parcha holder(s), if any.

If such a petition is filed on behalf of the petitioners within a period of three months from today with a certified copy of the present order, then the respondent State government shall pass an appropriate final order in accordance with law, but, before passing any final order, an opportunity of hearing must be given to all concerned including the petitioners, the respondent no.4 and the parcha holder(s), if any.

The parties shall be at liberty to raise all the issues of facts and law, which may be available to them, with respect to the

lands in question.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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