

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8506 of 2005

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1. Triloki Mandal, son of Chander Mandal
 2. Ganga Mandal, son of late Chaturi Mandal
 3. Bindeshwari Mandal
 4. Sattan Mandal
 5. Makko Mandal

Petitioner nos.3 to 5 are sons of late Shibu Mandal @ Rajbanshi Mandal
All resident of village-Bounsi, P.S.-Raniganj (Bounsi), District-Araria.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Araria
3. The Additional Collector, Araria
4. The Deputy Collector Land Reforms, Araria.
5. Sub-Divisional Officer (Ceiling), Araria.
6. Anchal Padadhikari, Raniganj, District-Araria.
7. Manoj Kumar Choudhary, son of Bedunand Choudhary
8. Bipin Kumar Choudhary, son of Sadanand Choudhary
9. Raj Kumar Choudhary, son of Devanand Choudhary
10. Krishna Kumar Yadav, son of Jeebachh Yadav
11. Vikash Kumar Yadav, son of Jeebachh Yadav

All resident of village-Bhawani Nagar (Bounsi), P.S.-Bounsi, District-Araria.

12. Mantar Mandal, son of Bengali @ Kushai Rajbanshi (expunged vide order dated 06.02.2007)

- (i) Most. Genia Devi, widow of late Mantar Mandal, resident of village-Nhawani Nagar (Bounsi), P.S.-Bounsi, District-Araria.
- (ii) Jaimanti Devi, daughter of late Mantar Mandal, wife of late Fatkan Mandal of village-Lalpur, P.S.-Bounsi (Basethi), District-Araria.
- (iii) Mira Devi, daughter of late Mantar Mandal, wife of Madhuki Rajbanshi, resident of village&P.O.-Garhbanaili, P.S.-Kasba, District-Purnia.
- (iv) Jaimala Devi, daughter of late Mantar Mandal, wife of Mukhi Rajbanshi, resident of village&P.O.-Srinagar, P.S.-K.Nagar, District-Purnia.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Bhanu Roy, Adv. Mr. Ambrish Kumar Jha, Adv.
For the Respondent nos.1to6	:	Mr. Rajesh Kumar, AC to GP-X
For the Respondent nos.7to9	:	Mr.Vishwanath Sinha, Sr.Adv. Mr.Nand Kishore Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL JUDGMENT

Date: 22-07-2016

Heard the parties.

The petitioners are aggrieved by the order dated
10.12.2003 passed in Case No.1 of 2002-03 by the respondent District

Collector, Araria, as contained in Annexure-5, whereby the petition filed on behalf of the petitioners under Section 21 and 22 of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short 'Act') has been rejected.

The learned counsel appearing on behalf of the petitioners submits that the petitioners were Sikmi raiyat over the lands in question, fully detailed in paragraph 6 of the writ petition. He next submitted that the Land Ceiling (Surplus) Case was started against the original land holder Vedanand Choudhary and others and in the aforesaid case the lands in question were declared surplus under the provisions of Section 11(1) of the Act. Once the petitioners came to know about such declaration, they filed their petition on 02.04.2002 under Section 21 and 22 of the Act for granting them the status of raiyat over the lands in question. However, the respondent District Collector, Araria by his impugned order dated 10.12.2003 has rejected their claim on the ground of limitation.

The learned senior counsel appearing on behalf of the respondent nos.7 to 9, who are descendants of the original land holders, submits that at no point of time the petitioners were declared under-raiyats over the lands in question under the provisions of Section 48-E of the B.T. Act. He next submitted that the petition filed by them under Section 48-D of the B.T. Act has been rejected and that has attained its finality. He also submitted that the petition filed on behalf of the petitioners under Section 21 and 22 of the Act was hopelessly barred by limitation and, therefore, it was rightly rejected by the District Collector, Araria by the impugned order, as contained in Annexure-5.

After having heard the parties and on consideration of the materials available on the record, this Court finds that, indisputably, the Gazette Notification under Section 11(1) of the Act was made on

30.04.1994 declaring the lands in question to be surplus of the land holder. Section 22 of the Act read with Rule 25 of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Rules, 1963 (in short ‘Rules’) provide that, if someone claims to be under-raiyat over the lands declared to be surplus, then such person must file a petition under Section 22 of the Act before the Collector under the Act in Form L.C.19 within a period of three months with effect from the date on which the land is declared to be surplus land or within such further period as may be allowed by the Collector.

In the present case, the notification under Section 11(1) of the Act was made on 30.04.1994. If the petitioners were under-raiyat over the lands in question, then they ought to have filed a petition under Section 22 of the Act read with Rule 25 of the Rules within a period of three months, but, admittedly, they have filed their petition after almost eight years on 02.04.2002. Apparently, the petition filed on behalf of the petitioners was hopelessly barred by limitation; therefore, it has rightly been rejected by the respondent District Collector, Araria.

For the reasons recorded above, this Court does not feel persuaded to interfere with the impugned order dated 10.12.2003 passed in Case No.1 of 2002-03 by the respondent District Collector, Araria, as contained in Annexure-5.

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

Arvind/-

(Birendra Prasad Verma, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.07.2016
Transmission Date	NA