

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.382 of 2012

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Lilawati Devi Wife of Tribhuwan Singh, Resident of Village and P.O.-
Kharika, Police Station-Sonepur, District-Saran

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Saran at Chapra
2. The Additional Collector, Saran at Chapra
3. The Deputy Collector Land Reforms, Sonepur, Saran
4. Awadhesh Kumar Singh Son of Late Deo Narayan Singh, Resident of
Village-Kalyanpur, P.O.-Baijalpur, Police Station-Sonepur, District-
Saran
5. Krishna Kumar Singh Son of Late Deo Narayan Singh, Resident of
Village-Kalyanpur, P.O.-Baijalpur, Police Station-Sonepur, District-
Saran
6. Smt. Chandrakanti Devi Wife of Sri Manoranjan Prasad Singh, Resident
of Village-Kalyanpur, P.O.-Baijalpur, Police Station-Sonepur, District-
Saran
7. Smt. Rekha Devi Wife of Dhurendhar Singh, Resident of Village-
Kalyanpur, P.O.-Baijalpur, Police Station-Sonepur, District-Saran
8. Sri Dwarika Nath Singh @ Bhola Singh Son of Cheta Singh, Resident
of Village-Kalyanpur, P.O.-Baijalpur, Police Station-Sonepur, District-
Saran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rana Sanjay Kumar Singh

For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 19-01-2016 Heard the learned counsel appearing on behalf of the petitioner. None appears on behalf of the respondent no. 1 to 3, though the name of the learned State counsel is printed in the daily cause list. Notice was issued to the private respondents by order dated 06.01.2012 and though some of them have entered appearance through their counsel, but none is appearing on their behalf to contest the matter.

The learned counsel appearing on behalf of the petitioner submits that the lands in question belong to the petitioner by virtue of judgment and decree passed in Title Suit No. 678 of 2009 by the learned Sub-Judge, 1st Chapra, yet the



lands in question was transferred by the respondent no. 8 by executing a sale deed in favour of the respondent no. 6 and 7, whereafter the respondent no. 4 and 5 filed a pre-emption case before the D.C.L.R., Sonapur, Chapra, which was allowed by order dated 19.06.2009, as contained in Annexure-1. Thereafter, the respondent no. 6 and 7 filed their Land Ceiling Appeal No. 4 of 2009, which is still pending before the respondent Additional Collector, Saran at Chapra. According to him, once the petitioner came to know about the pendency of the aforesaid land ceiling appeal, she filed an intervention petition for impleading her as a party respondent in the aforesaid appeal, but by the impugned order dated 09.06.2011 passed in the aforesaid Land Ceiling Appeal No. 4 of 2009 by the respondent Additional Collector, Saran at Chapra, as contained in Annexure-3, prayer for intervention of the petitioner has been mechanically rejected. According to the learned counsel, before passing any final order, an opportunity of hearing is required to be given to the petitioner, since the lands in question is belonging to her.

Though the matter is pending before this Court since 05.01.2012, but no counter-affidavit either on behalf of the respondent State or on behalf of the private respondents has been filed. Therefore, the facts stated therein the writ petition have to be accepted.

In the considered opinion of the Court, the claims raised on behalf of the petitioner regarding the lands in question goes to the root of the matter in view of the judgment and the decree passed by the competent civil court. Therefore, the petitioner was/is a necessary party in the aforesaid Land Ceiling Appeal No. 4 of 2009 and the respondent Additional Collector, Saran at

Chapra ought to have allowed the intervention petition filed on her behalf, but it appears that without applying his independent judicial mind to the facts of the case, he has mechanically rejected the petition filed on behalf of the petitioner by the impugned order dated 09.06.2011 (Annexure-3).

For the reasons recorded above, the impugned order dated 09.06.2011 passed in Land Ceiling Appeal No. 4 of 2011 by the respondent Additional Collector, Saran at Chapra, as contained in Annexure-3, is hereby set aside and quashed, and the respondent Additional Collector, Saran at Chapra is hereby directed to implead the present writ petition as a party respondent in the aforesaid Land Ceiling Appeal No. 4 of 2009, which, according to the learned counsel appearing on behalf of the petitioner, is still pending for final disposal. Thereafter, the respondent Additional Collector, Saran at Chapra shall pass appropriate final order after giving an opportunity of hearing to the petitioner, and the private respondents no. 4 to 8, besides others, if any.

The writ petition stands allowed to the extent indicated above, but there shall be no order as to costs.

(Birendra Prasad Verma, J)

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