

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15817 of 2015

=====

Vijay Sah son of Late Asharfi Sah, resident of Village Shahjadpur Jitpur,
Police Station Sadar (Hospital), District Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
 2. The Collector, Vaishali at Hajipur
 3. The Deputy Collector, Land Reforms, Vaishali at Hajipur
 4. The C.O. Hajipur
 5. Mostt. Sumitra Devi wife of Late Ram Shreshtha Singh alias Ramwarath Singh
 6. Chandra Mani Singh alias Chandra Mohan Singh son of Late Ram Shreshtha Singh alias Ram Swarth Singh
- Respondent nos. 5 and 6 are residents of Village Ismailpur, Police kStawtion Hazipur, Sadar, District Vaishali
7. Kedar Nath Ojha son of Late Sri Dayal Ojha, resident of Village Ismilepur, Police Station Hajipur Sadar, District Vaishali
 8. Most. Sumundari Devi wife of Late Ashrah Sah
 9. Sanjay Sah son of Late Ashrah Sah
 10. Chuchun Sah son of Late Ashrah Sah
- Respondent nos. 8 to 10 are residents of Village Sahjadpur Jitpur, P.S.Hajipur (Sadar), District Vaishali

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.D.K.Sinha, Sr.Advocate
Mr. Alok Kumar Alok, Advocate

For the Respondent Nos. 1 to 4: Mr. Rakesh Kumar Ranjan, AC to GA 5

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 23-12-2016 Heard the learned senior counsel appearing on behalf of the petitioner and the learned AC to GA 5, appearing on behalf of the respondent nos. 1 to 4.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondent no.3, the D.C.L.R., Vaishali at Hajipur, to stay Execution Case No. 08 of 1998-99 filed by the respondent no.5 during the pendency of Title Suit No. 05 of 2014 filed by the petitioner, which is said to be pending in the court of the learned Munsif 1st, Vaishali at Hajipur.



The present proceeding is an offshoot of a proceeding under Section 16(3) of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short “Ceiling Act”). The Execution Case No. 08 of 1998-99 has been filed by the respondent no.5 primarily for executing the orders passed by the statutory authorities under the provisions of the Ceiling Act.

It is not in dispute that though the petitioner claims to be one of the purchasers of the lands in question, but the claim of pre-emption raised on behalf of the respondent no.5 u/s 16(3) of the Ceiling Act with respect to the lands in question was allowed by the original authority, which was affirmed by the appellate authority and was further affirmed by the revisional authority under the provisions of the Ceiling Act. The petitioner along with respondent nos. 8 to 10 herein, not being satisfied with the orders passed by the statutory authorities, approached this Court in CWJC No. 7506 of 2005 challenging the validity and correctness of the orders passed by all the three statutory authorities under the provisions of the Ceiling Act. By order dated 06.08.2013 (Annexure-6) passed by this Bench, aforesaid CWJC No. 7506 of 2005 was dismissed and the orders passed by the three statutory authorities were not interfered with.

The learned senior counsel appearing on behalf of the petitioner submits that after all these orders, the petitioner, besides others, has filed Title Suit No. 05 of 2014, which is pending before the learned Munsif 1st, Vaishali at Hajipur. Therefore, according to him, till the final disposal of aforesaid Title Suit no.05 of 2014, Execution Case No. 08 of 1998-99 brought by the respondent no.5 for execution of the orders passed by the statutory



authorities be directed to be stayed.

I am afraid, the relief sought for on behalf of the petitioner is completely misconceived. In fact, Section 43 of the Ceiling Act creates a complete bar for the Civil Court for entertaining any civil suit with respect to the orders passed by the authorities under the Ceiling Act.

In above view of the matter, it is apparent that the aforesaid civil suit with respect to the orders passed by the Ceiling authorities is not maintainable and the relief sought for on behalf of the petitioner is completely misconceived. The writ petition is devoid of merits and it is, accordingly, dismissed. However, there shall be no order as to costs.

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--

