IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8078 of 2016

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1. Ganeshi Mandal
2. Rameshwar Mandal
3. Maheshwar Mandal

All sons of Late Kulai Mandal, R/o Vill- Bhargama, Tole- Jharwa, P.S.- Bheja, District- Madhubani .... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Madhubani
3. The Addl. Collector, Madhubani
4. The D.C.L.R. Jhanjharpur, Distt.- Madhubani
5. The Circle officer, Madhepur, Distt- Madhubani .... Respondent/s

with

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Civil Writ Jurisdiction Case No. 8108 of 2016

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Musaharu Yadav son of Late Bunai Yadav, R/o Vill. Bhargama, Tola Sundari, P.S. Bheja, District Madhubani .... Petitioner/s

Versus

. The State of Bihar
2. The Collector, Madhubani
3. The Addl. Collector, Madhubani
4. The D.C.L.R. Jhanjharpur, Distt.- Madhubani
5. The Circle officer, Madhepur, Distt- Madhubani .... Respondent/s

with

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Civil Writ Jurisdiction Case No. 8117 of 2016

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1. Kamal Yadav
2. Gautam Yadav, both sons of Late Sarjug Yadav
3. Kapil Deo Yadav
4. Raj Kishore Yadav, both sons of Ram Chandra Yadav

All are resident of village Devka Bhargama, P.S.Bheja, District Madhubani .... Petitioner/s

Versus

. The State of Bihar
2. The Collector, Madhubani
3. The Addl. Collector, Madhubani
4. The D.C.L.R. Jhanjharpur, Distt.- Madhubani
5. The Circle officer, Madhepur, Distt- Madhubani .... Respondent/s

with

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Civil Writ Jurisdiction Case No. 8118 of 2016

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1. Siya Ram Mandal
2. Sita Ram Mandal
3. Raja Mandal

All are sons of Ramsharan Mandal, R/o Vill. Bhargama, Tole, Jharwa, P.S.Bheja, District Madhubani .... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Madhubani

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3. The Addl. Collector, Madhubani
4. The D.C.L.R. Jhanjharpur, Distt.- Madhubani
5. The Circle officer, Madhepur, Distt- Madhubani .... Respondent/s

with

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Civil Writ Jurisdiction Case No. 8147 of 2016

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1. Kusma Devi W/o Uttam Mandal
2. Uttam Mandal S/o Nebi Mandal

Both are resident of village Bhargama, Tole, Jharwa, P.S.Bheja, District Madubani .... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Madhubani
3. The Addl. Collector, Madhubani
4. The D.C.L.R. Jhanjharpur, Distt.- Madhubani
5. The Circle officer, Madhepur, Distt- Madhubani .... Respondent/s

with

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Civil Writ Jurisdiction Case No. 8153 of 2016

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Bindeshwar Yadav S/o Late Musai Yadav, R/o village Bhargama, Tole Bakua, P.S.Bheja, District Madhubani .... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Madhubani
3. The Addl. Collector, Madhubani
4. The D.C.L.R. Jhanjharpur, Distt.- Madhubani
5. The Circle officer, Madhepur, Distt- Madhubani .... Respondent/s

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Appearance :
(In CWJC No.8078 of 2016)
For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate
For the Respondent/s : Mr. Ajay, GA 12
(In CWJC No.8108 of 2016)
For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate
For the Respondent/s : Mr. Ajay, GA 12
(In CWJC No.8117 of 2016)
For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate
For the Respondent/s : Mr. Ajay, GA 12
(In CWJC No.8118 of 2016)
For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate
For the Respondent/s : Mr. Ajay, GA 12
(In CWJC No.8147 of 2016)
For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate
For the Respondent/s : Mr. Ajay, GA 12
(In CWJC No.8153 of 2016)
For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate
For the Respondent/s : Mr. Ajay, GA 12

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL JUDGMENT
Date: 06-05-2016

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In all the above six writ petitions, the issues of fact and law involved are almost common and identical, therefore, on the request of the learned counsel appearing on behalf of the parties, all the matters have been heard together and are being disposed of by this common judgment.

2. All the petitioners claim to be purchasers of the lands in question through different sale deeds on different dates from the original landholder(s) or their ancestors/family members. It is the case of the petitioners that for redressal of their valid grievances and for exclusion of their lands from the Land ceiling proceeding started against the landholder(s), though not impleaded as party respondents in these writ petitions, they approached the District Collector, Madhubani, who in exercise of his powers under Section 47 of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short, "the Land Ceiling Act") by his order dated 29.01.2000 directed the Additional Collector to include the lands in question purchased by these petitioners in the admissible ceiling units of the landholder(s) in terms of Section 9(2) of the Land Ceiling Act. The District Collector, Madhubani passed a common order on 29.01.2000 disposing of all the petitions filed on behalf of these petitioners, besides others. The aforesaid order dated 29.01.2000 has been brought on record as Annexure-2 in all the writ petitions.

3. The grievance of the petitioners is that, despite aforesaid order and direction dated 29.01.2000, the Additional Collector, Madhubani is not passing any final order and in the meantime, steps are being taken for forcible dispossession of all these petitioners from the lands in question.

4. The learned counsel appearing on behalf of the petitioners in all these writ petitions, by referring to the averments made in the writ petitions, submitted that the matter is still pending

before the Additional Collector, Madhubani and despite passage of more than 16 years, final order has not been passed by the Additional Collector, Madhubani.

5. The learned GA 12, appearing on behalf of the respondents in all these writ petitions, submits that if the averments made on behalf of the petitioners are correct and the matters are still pending before the Additional Collector, Madhubani in the light of the common order dated 29.01.2000 (Annexure-2) passed by the District Collector, Madhubani, then the petitioners may be directed to appear before the Additional Collector, Madhubani, whereafter the Additional Collector shall pass appropriate final order in accordance with law in the light of the order passed by the District Collector, Madhubani, if it has attained its finality, and has not been amended/modified by any higher Forum/Court/authority.

6. In view of the fair stand taken on behalf of the respondents, this Court is of the opinion that no useful purpose shall be served by keeping these matters pending any longer; rather the interest of justice shall be subserved if the petitioners are granted liberty to appear before the Additional Collector, Madhubani with all supporting documents and raising all the pleas, which have been raised in these writ petitions. It is ordered accordingly.

7. In order to expedite the matter, the petitioners are hereby directed to appear before the respondent Additional Collector, Madhubani within a period of one month from today with a certified copy of the present order/judgment, and all other relevant documents/materials in support of their respective claims over the lands in question, and if the matters are still pending before the respondent Additional Collector and final order has not been passed in the light of the order passed by the District Collector, Madhubnai, referred to above, then the respondent Additional Collector,

Madhubani shall fix a firm date for hearing in the matters and shall make all endeavour to dispose of the aforesaid matters by a reasoned and speaking order, after giving an opportunity of hearing to all concerned including the landholder(s) or their heirs and legal representatives, if the original landholder is found to have died, besides pracha holders, if any, at an early date preferably within a period of three months from the date of appearance of the petitioners, in the manner indicated above.

8. If on consideration of the materials and after hearing the parties, the respondent Additional Collector, Madhubani comes to a conclusion that the claims raised on behalf of these petitioners with respect to the lands in question, are admissible to them, then consequential steps shall be taken for modification/correction of the final draft statement published under Section 11 (i) and Gazette Notification, if any, issued under Section 15(1) of the Land Ceiling Act without any unnecessary delay.

9. It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioners with respect to the lands in question and this is left to be decided by the respondent Additional Collector, Madhubani strictly in accordance with law, particularly, in view of the pleadings made in these writ petitions that the matters are still pending before the respondent Additional Collector, Madhubani for final adjudication.

10. All the above writ petitions stand finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Tahir/-

AFR/NAFR	NAFR
CAV DATE	No
Uploading Date	09-05-2016
Transmission Date	