

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7937 of 2006

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1. Md.Sarfuddin son of Md. Judari
 2. Md. Yusuf son of Sarfuddin
 3. Md. Nasim son of Sarfuddin
 4. Md. Haseem, son of Sarfuddin, all resident of village Rangpura, P.O. and P.S. Dhamdaha, District Purnia.

.... Petitioner/s

Versus

1. The State of Bihar, through Collector, Purnia.
2. Additional Collector, Ceiling, Purnia.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kr.Mallick, Adv.

Mr. Sachchida Nand Karn, Adv.

For the Respondent/s : Mr. M.K. Upadhyay, AC to G.P. 3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 09-12-2016

Heard.

The petitioners have filed the present writ petition seeking a direction to the respondents not to dispossess them from the lands claimed by them, which was subject matter of Land Ceiling Case No. 3 of 1976-77 and was subsequently acquired under the provisions of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 by Gazette Notification dated 15.7.1985.

This writ petition was earlier heard on 21.1.2008 by a co-ordinate Bench of this Court [Coram: Mihir Kumar Jha, J, since superannuated] and the order dated 21.1.2008 reads as follows:

“It is unfortunate that the basic materials in the writ application have not been furnished relevant facts and documents with regard to as to when the land in question was purchased by the petitioner and/or as to when the earlier order under Section 5 (i) (iii) of the Land Ceiling Act allegedly in favour of the petitioner was passed.



The petitioner, however, has made a prayer in this writ application for release of land from some land ceiling case on the basis of aforementioned sale deed and/or order.

Counsel for the petitioners submits that these details ought to have been given in the writ application itself but unfortunately they have not been incorporated in the same.

In that view of the matter, let this case be placed after two weeks.”

Though, the learned counsel appearing on behalf of the petitioners has argued the matter for sometime, but he fairly conceded that despite the observations made in the order dated 21.1.2008, he has not been able to file supplementary affidavit bringing on the record all the relevant facts/ materials/ documents relating to the land ceiling case.

The learned AC to GP-3, appearing on behalf of the respondents, submits that in the whole writ petition, neither the date of purchase of the lands in question has been disclosed, nor the sale deed has been brought on the record. He further submitted that though, the lands in question were acquired by the State Government in the year 1985, but in the writ petition neither the landholder nor the parcha holder has been impleaded as party respondents. Therefore, according to him, the writ petition is fit to be dismissed on the ground of non-joinder of the necessary party.

After having heard the parties, this Court is of the opinion that the present writ petition is not only bereft of the material facts, but it also suffers from non-joinder of the necessary party. Furthermore, despite observations made by a co-ordinate Bench of this Court, no relevant materials have been brought on the record by the petitioners.

In above view of the matter, this Court is left with no option, but to dismiss the writ petition. The writ petition is,



accordingly, dismissed. However, there shall be no order as to costs.

(Birendra Prasad Verma, J)

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