

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19919 of 2010

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1. Arbind Paswan S/O Sri Mathan Paswan R/O Vill.- Damgara, P.S.- Dhamdaha, Distt.- Purnea
 2. Arjun Paswan S/O Sri Rameshwar Paswan R/O Vill.- Damgara, P.S.- Dhamdaha, Distt.- Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Purnea
3. The Sub-Divisional Officer, Dhamdaha, Purnea
4. The Land Reforms Deputy Collector, Dhamdaha, Purnea
5. The Circle Officer, Dhamdaha, Purnea
6. Satya Narain Mehta S/O Late Jagat Lal Mehta
7. Kailash Mehta S/O Anandi Mehta
8. Dilip Mehta S/O Anandi Mehta

Respondent nos. 6 to 8 are resident of Village Damgara,
P.S.Dhamdaha, District Purnea

.... Respondent/s

with

Civil Writ Jurisdiction Case No.16991 of 2011

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1. Binod Paswan son of Kamleshwar Paswan, Vill.-Damgara, P.O.Damgara, P.S.-Dhamdaha, Distt.-Purnea
 2. Jai Govind Paswanson of Late Manik Paswan, Vill.-Damgara, P.O.Damgara, P.S.-Dhamdaha, Distt.-Purnea
 3. Lalita Devi W/O Sri Ganesh Paswan, Vill.-Damgara, P.O.Damgara, P.S.-Dhamdaha, Distt.-Purnea
 4. Dhananjay Paswan son of Late Narayan Paswan, Vill.-Damgara, P.O.Damgara, P.S.-Dhamdaha, Distt.-Purnea
 5. Nageshwar Paswan son of Late Asharfi Paswan, Vill.-Damgara, P.O.Damgara, P.S.-Dhamdaha, Distt.-Purnea
 6. Kedar Paswan son of Late Bardi Paswan, Vill.-Damgara, P.O.Damgara, P.S.-Dhamdaha, Distt.-Purnea
 7. Rubia Devi W/O Nathan Paswan, Vill.-Damgara, P.O.Damgara, P.S.-Dhamdaha, Dist.-Purnea
 8. Pankaj Kumar Paswan son of Late Rajendra Paswan, Vill.-Damgara, P.O.Damgara, P.S.-Dhamdaha, Distt.-Purnea
 9. Shalendra Paswan son of Late Bhoomi Paswan, Vill.-Damgara, P.O.Damgara, P.S.-Dhamdaha, Distt.-Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Purnea
3. The Sub Divisional Officer, Dhamdaha, Purnea
4. The Land Reform Deputy Collector, Dhamdaha, Purnea
5. The Circle Officer, Dhamdaha, Purnea
6. Satya Narain Mehta son of Late Jagat Lal Mehta, Vill.-Damgara, P.O.Damgara, P.S.-Dhamdaha, Distt.-Purnea
7. Kailash Mehta son of Late Anandi Mehta, Vill.-Damgara, P.O.Damgara, P.S.-Dhamdaha, Distt.-Purnea

8. Dilip Mehta son of Late Anandi Mehta, Vill.-Damgara, P.O. Damgara,P.S.-Dhamdaha, Distt.-Purnea

.... Respondent/s

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Appearance :

(In CWJC No.19919 of 2010)

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Respondent Nos. 1 to 5 : Mr. Ajay Kumar, AC to AAG 8

(In CWJC No.16991 of 2011)

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Respondent Nos. 1 to 5 : Mr. Ajay Kumar, AC to AAG 8

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 06-04-2016

In both the above writ petitions, the issues of facts and law involved therein are almost common and identical, therefore, with the consent of the parties, both the writ petitions have been heard together and are being disposed of by this common judgment.

2. In both the writ petitions, the earlier settlees are the petitioners. Their grievance is that they were originally issued Parwanas in the year 1989 under the provisions of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short, "the Land Ceiling Act"), but subsequently, by Gazette Notification dated 17.05.2010 (Annexure-1) issued in Land Ceiling Case No. 687/73-74/60/97-98, the amended final publication of draft statement under Section 11 (1) of the Land Ceiling Act has been made by the respondent DCLR, Dhamdaha (Purnea), the Collector under the Land Ceiling Act, and the lands, so allotted to the petitioners in the year 1989, have been given in the units of the landholder and therefore, notices have been issued to the petitioners by the respondent Anchal Adhikari, Dhamdaha directing them to surrender their red cards/parwanas with respect to the lands in question.

3. It is not in dispute that the Land Ceiling Case No. 687/73-74 was initiated against the original landholder Anandi Mehta



and after final publication of draft statement under Section 11 (1) of the Land Ceiling Act, certain lands were declared surplus, which were subsequently acquired under Section 15 (1) of the Land Ceiling Act and consequently, parwanas were issued to the petitioners of both the writ petitions, beside others, under Section 27 of the Land Ceiling Act. However, it appears that the landholder was not satisfied with the order passed by the Collector under the Land Ceiling Act and he challenged the same before the appellate and revisional authorities and finally matter traveled to this Court in CWJC No. 9237 of 1988 (Anandi Prasad Mehta and others Vs. The State of Bihar and others).

4. Though the order and judgment passed by this Court in aforesaid writ petition have not been brought on the record either by the writ petitioners or by the respondent-State of Bihar and its functionaries, but it appears that in view of the judgment and order passed by this Court in CWJC No. 9237 of 1988, the final publication of draft statement made under Section 11 (1) of the Land Ceiling Act declaring the lands in question as surplus and gazette notification issued under Section 15 (1) of the Land Ceiling Act acquiring those surplus lands were quashed and the matter was remitted back to the Collector under the Land Ceiling Act with a direction to pass a fresh order. In the light of the order of this Court, fresh final publication of draft statement under Section 11 (1) of the Land Ceiling Act was issued on 17.05.2010 (Annexure-1), wherein the lands allotted to the petitioners earlier have been allowed to be retained by the landholders under their permissible ceiling unit and consequently, the petitioners were directed to surrender their red cards/parwanas issued to them earlier. In that view of the matter, the impugned action of the State authorities cannot be legally faulted.

5. However, neither in the above two writ petitions nor in the counter affidavit filed on behalf of the respondent nos. 1 to 5, it

has been stated anywhere that any other lands of the landholder(s) were found surplus or not. If certain other lands of the landholder(s) were declared surplus and have been acquired by the State of Bihar under Section 15 (1) of the Land Ceiling Act, then the interest of the petitioners can be protected and their claims under Section 27 of the Land Ceiling Act can be considered along with claims of other eligible persons of that locality.

6. In above view of the matter, the petitioners of both the writ petitions are hereby directed to appear before the District Collector, Purnea with their comprehensive representations for redressal of their valid grievances with a certified copy of the present judgment within a period of two months from today. If some other plots of land originally belonging to the landholder(s) have been declared surplus and have been acquired by the State of Bihar under Section 15 (1) of the Land Ceiling Act, then the respondent District Collector, Purnea either himself or any other competent authority, as per his direction, shall consider the claims of the writ petitioners and if the lands so declared surplus have not been distributed, then the claims of the petitioners of both the writ petitions shall be appropriately considered under Section 27 of the Land Ceiling Act at an early date preferably within a period of three months from the date of filing of such representations by the petitioners.

7. In the result, both the writ petitions stand finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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