

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.537 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 702 of 2015**

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Manoj Singh, Son of Late Nand Kishore Singh, Resident of Village: Sadanandpur,
AT Present residing at Village- Kushmaut, Police Station- Nemchandpura, District:
Begusarai.

.... Appellant

Versus

1. The State of Bihar.
2. The Collector of the District, Begusarai.
3. Additional Collector, Begusarai, District- Begusarai.
4. Anchaladhikari, Begusarai, District- Begusarai Respondents (1st Set)
5. Bitu Sah, Son of Sarayug Sah
6. Mahendrea Sada, Son of Chhabbu Sada.
7. Yugo Sada, Son of Hitalar Sada.
8. Biran Sada, Son of Hitalar Sada.
9. Khalatu Paswan Son of Santoshi Sada.
10. Mahendra sada, Son of Sarayug Sada.
11. Bahadur Sada, Son of Sarayug Sada.
12. Paswan Sada. Son of Ramdeo sada
13. Lalan Sada. Son of Ram Dayal
14. Rabi Sada, Son of Mehi Sada.
15. Sanichar Sada, Son of Shri Sada.
16. Shri Sada Son of Rabi Sada.
17. Shobha Kant Sada, Son of Nagndra Mishra.
All resident of Village- Kusmaut, Police Station - Nima Chandpura, District-
Begusarai.
.... Respondents Respondents II set.

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Appearance:

For the Appellant/s : Mr. Bishwanath Prasad Singh, Advocate.

For the Respondent/s : Mr. Manoj Kumar Sinha, AC to GA 9.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 14-07-2017

Heard counsel for the appellant and counsel for the
respondents State.



Perused the impugned order dated 12.02.2015 which is under challenge in the present Letters Patent Appeal.

This is what the learned Single Judge had to say on the claim made before the learned Single Judge and the reason for dismissing the Writ Application.

“The subject land was declared surplus in the hands of the landholder. The petitioner made an application under Section 22 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (for short ‘the Act’). By order dated 29.12.1981 passed by the respondent Additional Collector, Begusarai in Land Ceiling Case no. 17 of 1981 the petitioner was granted status of raiyat / occupancy raiyat in respect of the subject land. From the pleadings on record, however, it appears that the petitioner was not in possession of the land. In such circumstances, the petitioner filed an application before the respondent – Circle Officer giving rise to Dispossession case no. 1 of 2007-08 on the file of the Circle Officer, Begusarai. The petitioner prayed for ensuring possession of the petitioner over the subject land which he claimed by virtue of an order passed by the respondent – Additional Collector treating him to be raiyat / occupancy raiyat in terms of Section 22 of the Act. The Circle Officer rejected the said prayer observing as above.

The counsel for the petitioner has contended that if the status of raiyat / occupancy raiyat was granted by the respondent – Additional Collector, the Circle Officer had requisite jurisdiction to take cognizance of the application and refusal thereof is not sustainable in law.

On the contrary, learned counsel for the State has submitted that there is no provision under the Act wherein petitioner can approach the Authority under the Act for effecting possession over the land.



From the pleadings on record this much is evident that the petitioner is not in possession of the land. Nothing has been shown to me that any provision of the Act empowers the Circle Officer to act on such application. In such circumstances, the Circle Officer has rightly observed in the order under challenge that he has no requisite jurisdiction in the matter and the remedies lies before the Authority constituted under the Bihar Land Disputes Resolution Act, 2009 or before the Civil Court. I find substance in the submission of counsel for the respondents. There being no patent illegality in the order, this Court is unable to exercise its discretionary writ jurisdiction in the matter.”

The rationale and the reason given by the learned Single Judge are correct and in accordance with the fact and the law.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.07.2017
Transmission Date	N/A

