

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4716 of 2014

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1. Sajjan Kumar Agrawal Son Of Late Murlidhar Agrawal
2. Rajeew Kumar Son Of Late Hanuman Prasad Agrawal Both Resident Of Village :
Halwai Tola, Bagaha, P.S. : Bagaha, District : West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. Collector, West Champaran At Bettiah
3. Additional Collector, West Champaran At Bettiah
4. Sub Divisional Officer, Bagaha, West Champaran
5. Anchal Adhikari, Bagaha Anchal - 2, P.S. : Bagaha, District : West Champaran
6. Halka Karamchari, Bagaha Anchal No. 2, P.S. : Bagaha, District : West Champaran
7. Pardeshi Ram
8. Baldeo Ram Both Sons Of Bijayjee Ram
9. Vikas Ram Son Of Tapesar Ram
10. Nagina Ram Son Of Late Amoli Ram
11. Vijayee Ram
12. Jhagara Ram Both Sons Of Banshi Ram
13. Lagan Ram Son Of Sukai Ram
14. Heera Ram Son Of Bhajan Ram
15. Ramdeo Bharbhuj Son Of Bilat Sah
16. Vyas Ram Son Of Kauleshar Ram
17. Mallu Ram Son Of Bardeo Ram
18. Verma Mahto Son Of Late Chhedi Mahto
19. Ramkant Ram
20. Ramanand Ram Both Sons Of Bhuneshar Ram
21. Shambhu Ram Son Of Late Dukhi Ram
22. Madan Ram Son Of Narayan Ram Respondent Nos. 6 To 21 Residents Of Village :
Semra, P.S. : Bagaha, District : West Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ganpati Trivedi
For the Respondent/s : Mr. Ga1- S.K.Sharma

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

7 08-04-2017

Heard the parties.

I.A. No. 9950 of 2016 has been filed on behalf of the petitioners praying therein to expunge the name of petitioner no.1 as petitioner no.1 died on 11.11.2016 and furthermore it has been prayed in the aforesaid interlocutory application that in place of petitioner no.1 his legal heirs whose name has been mentioned at para 3 of the aforesaid application be substituted.



No objection is raised in matter of substitution of petitioner no.1. Accordingly, I.A. No. 9950 of 2016 stands allowed and accordingly the name of petitioner no.1 is ordered to be expunged and in place of his legal heirs as mentioned at para 3 of the interlocutory application are substituted as legal heirs.

I.A. No. 9951 of 2016 has been filed on behalf of the petitioners mentioning therein that the land in question was acquired on 31.01.2002 but later on, the land in question was excluded from the acquisition vide notification no. 561 dated 16.3.2010. Thereafter, the petitioners made a claim for restoration of their possession upon the land in question but the State Authorities failed to restore the possession of the petitioners.

It has also been mentioned in the aforesaid interlocutory application that since main grievance of the petitioners is against the State Authority and therefore, the private respondent nos. 7 to 22 are not necessary party to this writ petition, therefore, their names could be deleted from this writ petition.

The petitioners have prayed for issuance of a direction to respondents to restore the possession of petitioners upon land in question as the aforesaid land was excluded from acquisition but in course of enquiry, it was found that some Purcha



holders got possession over the land in question, though, the other plots were allotted to them by the concerned authorities but due to fault of State Officers, the Purcha holders were put in possession over the land of the petitioners. Therefore, in my view, the learned counsel has rightly submitted that the respondent nos. 7 to 22 are not necessary party to this writ petition as the petitioners have raised grievance against the State Officers because they have failed to get possession of the petitioners restored over the land in question and accordingly, the I.A. No. 9551 of 2016 stands allowed and it is ordered that the name of respondent nos. 7 to 22 be expunged from this writ petition.

It is an admitted position that certain lands of petitioners were wrongly acquired under Section 15 of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition Surpluses) Land Act, 1961 but subsequently, the aforesaid lands were excluded from the acquisition vide notification no. 516 dated 16.3.2016. It is also an admitted position that some purchas were issued to landless persons and aforesaid landless persons were put in possession of lands of petitioners though the land of the petitioners were never allotted to the aforesaid purcha holders and as a matter of fact, some other land were allotted to them. It is also an admitted position that due to fault of the State Officers the



above landless persons came in possession of land of the petitioners.

Learned counsel for the petitioners submits that petitioners have requested the concerned authorities for restoring their possession over the land in question but the State Officers either this or that pretext avoided to restore the possession of the petitioners over the land and thereafter, the petitioners have filed this writ petition before this court.

Counter affidavit has been filed on behalf of the respondent nos. 2 to 5 and the facts averred in the writ petition have been admitted by the State Officers but the stand taken by the State Officers is that due to some unavoidable circumstances, the possession of the petitioners could not be restored.

In view of the aforesaid facts and circumstances as well as the submission of the parties, this writ petition stands disposed of giving direction to respondent no.2 to take effective steps to restore possession of the petitioners over the land in question within a month from the date of receipt/production of a copy of this order.

(Hemant Kumar Srivastava, J)

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