

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6458 of 2002

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Rewati Kant Dubey, Son of Late Bhumidutt Dubey, Resident of Village-
Baikunthwa, P.S.- Nautan, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, West Champaran
3. The Additional Collector, West Champaran
4. The Anchal Adhikari, Nautan, West Champaran
5. The Anchal Adhikari, Ram Nagar, West Champaran
6. The Sub-divisional Officer, West Champaran

.... Respondents

with

Civil Writ Jurisdiction Case No. 3375 of 2017

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Rewati Kant Dubey, Son of Late Bhumi Dutt Dubey, Resident of Village-
Baikunthwa, P.S.- Nautan, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. The Member Administrative, Bihar Land Tribunal, Patna.
3. The Additional Member, Board of Revenue, Bihar, Patna.
4. The Collector, West Champaran, Bettiah.
5. The Additional Collector (Ceiling), Bettiah, West Champaran.

.... Respondents

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Appearance :

(In CWJC No.6458 of 2002)

With

(CWJC No.3375 of 2017)

For the Petitioner : Mr. S.R. Shahi, Adv.
Mr. B.K.M. Tripathi, Adv.
Miss Ajita, Adv.
Mrs. Shally Kumari, Adv.

For the State : AC to G.A. V
Mr. Ajay, Adv.
Basanti Kumari, AC to GP 18

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

34 27-03-2017

1. Both the above stated writ petitions have been filed



by the same petitioner and accordingly, both the writ petitions were heard together.

2. Heard the parties.

3. C.W.J.C. No. 6458 of 2002 was filed on 21.05.2002 for quashing the District Gazette Notification, bearing No. S.O. No. 125 dated 18.05.2002 contained in Annexure-5 and for restraining the Collector, West Champaran from taking possession of the disputed lands which were declared surplus by the Collector, West Champaran.

4. On 24.05.2002, this Court directed the respondent no. 2 to issue orders for keeping the parcha issued in respect of the disputed lands in abeyance and for restoration of possession of the petitioner, if he is found dispossessed from the disputed lands. Moreover, on 19.07.2007, this Court noticed that the final order dated 18.05.2002 passed by the Collector, West Champaran consequent thereto the impugned Gazette notification issued on the same day were under challenge before the Board of Revenue and, accordingly, this Court observed that the present writ is confined only to question of damages for violation of right to livelihood protected by Article 21 of the Constitution.

5. During pendency of C.W.J.C. No. 6458 of 2002, Revision (Land Ceiling) Case No. 134 of 2002 and analogous



cases were dismissed on 06.12.2016 which was challenged by the petitioner by filing B.L.T. Case No. 1208 of 2016 before the Bihar Land Tribunal, Patna.

6. The record goes to show that this Court vide order dated 05.10.2009 observed that C.W.J.C. No. 6458 of 2002 be listed after disposal of revision application pending before the Board of Revenue and after disposal of aforesaid revision case, the present matter has been listed.

7. It is pertinent to mention here that after disposal of revision application, the petitioner filed B.L.T. Case No. 1208 of 2016 before the Bihar Land Tribunal, Patna and prayed for stay but his case was ordered to be placed before the Full Bench of the Tribunal vide order dated 23.02.2017.

8. Learned AC to GA-V appearing for the State submits that petitioner has filed three separate cases for almost similar relief and it is well settled principle of law that three parallel proceedings cannot proceed. It is further submitted by him that petitioner either should approach this Court or the Tribunal but he cannot be permitted to continue proceedings before this Court as well as before the Tribunal. It is further submitted by him that near about 365 acres land were declared surplus land on 18.05.2002 but taking advantage of the order passed by this Court



on 24.05.2002, the petitioner is still coming in possession of the aforesaid lands. It is further submitted by him that as a matter of fact, no damage was caused to the petitioner.

9. Admittedly, the Collector, West Champaran passed final order on 18.05.2002 and on the same day, the Gazette Notification was issued. The aforesaid final order of the Collector and Gazette Notification were challenged before the Board of Revenue but the revision petition of the petitioner was dismissed and thereafter, petitioner challenged the order of Board of Revenue before the Bihar Land Tribunal, Patna by filing B.L.T. Case No. 1208 of 2016 and the same is still pending. Furthermore, it is an admitted position that petitioner prayed for stay of Gazette notification as well as final order of the Collector before the Bihar Land Tribunal, Patna but the learned Member Administrative vide order dated 23.02.2017 directed that the matter should be placed before Full Bench of the Tribunal and thereafter, petitioner filed C.W.J.C. No. 3375 of 2017.

10. It is an admitted position that petitioner is still coming in possession of the disputed lands and the question of legality of final order of the Collector as well as Gazette notification is still sub judice.

11. Therefore, without making any comment on the



merit of the cases, the C.W.J.C. No. 6458 of 2002 and C.W.J.C. No. 3375 of 2017 stand disposed of giving direction to Bihar Land Tribunal, Patna to proceed with the B.L.T. Case No. 1208 of 2016 expeditiously and to dispose of the aforesaid case within six months from the date of receipt/production of copy of this order.

12. So far as question of adjudication of any damage caused to the petitioner is concerned, the petitioner may raise the aforesaid question before the appropriate forum after finality of Collector's order as well as Gazette notification. Furthermore, I direct the parties to maintain status quo till final adjudication of B.L.T. Case No. 1208 of 2016.

(Hemant Kumar Srivastava, J)

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