

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.602 of 2018

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1. Smt. Bijli Devi W/o Bechan Mandal, Resident of Village - Tulsi Kudia,
Bishunpur, Mauza - Suksaina, P.S. - Dhamdaha, P.O. - Dhamdaha,
District - Purnea.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms and Revenue, Govt. of Bihar, Patna.
2. The Collector, Purnea.
3. The Additional Collector, Purnea.
4. The Deputy Collector, Land Reforms, Dhamdaha Sub Division, Dhamdaha, District - Purnea.
5. The Circle Officer, Dhamdaha Circle, Dhamdaha, District - Purnea.
6. Smt. Geeta Devi Daughter of Bir Narayan Chand, resident of village - Daurhi Bishanpur, P.S. Dhamdaha, District - Purnea.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Respondent/s : Mr. Raj Kishore Roy-Gp18

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 24-08-2018 Heard both sides.

The petitioner has filed this writ petition to quash the final notification no. 2772 dated 16.07.1990 published in Zila Gazette, Purnea in connection with Land Ceiling Case No.81/73074 initiated against Smt. Geeta Devi in which land of the petitioner bearing plot no.1777 measuring 0.83 decimals of Khata no.182 situated in village Saksaina falling within Dhamdaha Police Station has been declared surplus.

The case of the petitioner is that the petitioner



purchased the land from Smt. Prem Kumari Singh on 14.04.1988 through sale deed (Annexure-3) but no notice was given to the petitioner. No inquiry was held under Section 5(1) of the Ceiling Act. Now, the Circle Officer directed the petitioner to vacate the land of plot no.1777 of Khata no.182.

Learned counsel for the petitioner submits that the petitioner moved before the B.L.T. against the order of Circle Officer but the B.L.T. directed the petitioner to move before the appropriate authority for reopening the ceiling case. The petitioner in pursuance of the aforesaid order dated 06.05.2015 passed in B.L.T. Case No.254 of 2014 filed petition before the Revenue Minister for reopening of the ceiling case under Section 45B of the Ceiling Act but now by amendment Section 45 of the Ceiling Act has been repealed and Sub-section 3 and 4 of Section 30 of the Act have been added but there is some rider on the power of the Collector. If the case is disposed of by Board of Revenue or any higher courts, in that event the Collector or the Commissioner has got no jurisdiction to entertain into such petition but it appears that the petitioner is a purchaser and he was not ever noticed in the Land Ceiling Act. The land lord did not disclose the facts during the pendency of the ceiling case that he bonafidely sold the land to the petitioner and other. In this view of the fact, such



bonafide purchaser cannot be left remediless.

Having considered the facts aforesaid, this writ petition is disposed of with a direction to the Collector that if any petition is filed by the petitioner that his/her land has illegally been acquired without giving any notice to him/her, the Collector shall hold the inquiry and pass order in accordance with law.

(Prabhat Kumar Jha, J)

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