

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15907 of 2018

Subeda Khatoon

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Land Reforms, Govt of Bihar, Patna
2. The Collector, Purnea
3. The Additional Collector, Land Ceiling, Purnea
4. The DCLR, Baisi, Purnea
5. The S.D.O., Baisi, Purnea
6. The Circle Officer, Baisi, Purnea
7. Halka Karmchari, Baluwaghostara, Purnea
8. Baldev Ram
9. Ramdev Ram
10. Ram Gopal Ram
11. Agamlal Mukhiya
12. Upendra Paswan

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad
For the Respondent/s : Mr. Md. Khurshid Alam -AAG12

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 07-12-2018 Heard both sides.

The petitioner has filed this writ petition to set aside the order dated 11.09.2017 passed in Jamabandi Correction Case No. 46 of 2016-17.

By the impugned order, the Additional Collector dismissed the petition of the petitioner holding that the petition for de-notification of the notification issued under Section 15 (1) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 is pending before Bihar Land Tribunal in B.L.T. case No. 1065 of 2015.



It is submitted that petitioner purchased the land in the year 1960 and when the petitioner appeared before the Consolidation authorities in the ceiling case the land of petitioner was exempted and duly de-notified but red card holders, who got the land settled under Section 27 of the Act, mutated their names and the mutation was not cancelled even after de- notification of the notification issued under Section 15(1) of the Act. It is further submitted that red card holders filed B.L.T. case No. 1065 of 2015 before the Bihar Land Tribunal for re-opening of the ceiling proceeding under Section 45B of the Act and the learned Member (Administrative) B.L.T. held that the proceeding has been abated in view of Section 4(i) of the Bihar Land Reforms Act (Fixation of Ceiling Area and Acquisition of Surplus Land) Act (Amendment) Act, 2016 [Bihar Act 18 of 2016) by which amendment is made in Ceiling Act, 1961 and Section 45B has been deleted.

Thus, I find that the Additional Collector has illegally rejected the petition of the petitioner on the ground of pendency of case before the B.L.T. Accordingly, the order dated 11.09.2017 passed in Jamabandi Correction Case No. 46 of 2016-17 is set aside and the matter is remitted to Additional Collector to hear the petitioner afresh and dispose of the case on



merits.

This writ petition is, accordingly, allowed.

(Prabhat Kumar Jha, J)

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