

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7018 of 1996

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Devendra Kumar Singh			Petitioner/s
Versus			

1. State of Bihar
 2. The Additional Member, Board of Revenue, Bihar, Patna
 3. The Collector, Siwan
 4. The Additional Collector, Siwan
 5. The Circle Officer, Dharaunda, Siwan
- Respondent/s
- =====

Appearance :

For the Petitioner/s : M/s Manojeshwar Pd. Sinha & Ratan Kr. Sinha
For the Respondent/s: Mr. Pratik Sinha, AC to GA 5

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

7 13-04-2018 Heard both sides.

The petitioner has filed this writ petition to quash the order dated 30.03.1996 (Annexure-5) passed in case No. 37 of 1992 by Additional Member, Board of Revenue, Bihar Patna and the order dated 06.12.1991 (Annexure-4) passed by Collector, Siwan in Ceiling Appeal No. 258/1982-83, 13/85-86 and also the order dated 15.09.1982 (Annexure-2) passed by Additional Collector, Siwan in Land Ceiling case No. 107/73-74.

The learned counsel for the petitioner submits that one ceiling case No. 107/1973-74 was initiated and vide order dated 10.05.1978 the proceeding was dropped on the ground that the landlords are entitled to get eight units and they are entitled to possess 200 acres of class-III land whereas they possess only 123.04 acres of lands but thereafter the Additional Collector in Land Ceiling case No. 107/1973-74 vide order dated 15.09.1982 declared 16.02 acres of land of the petitioner to be surplus. The learned counsel for the petitioner submits that no notice was issued to the petitioner before initiation of proceeding



on 21.01.1982 and submitted that no notice was served to the petitioner but it appears from perusal of Annexure-3 that petitioner filed petition on 06.12.1982 to recall the ex-parte order passed in case No. 107 of 1982. The Additional Collector/ Collector dismissed the petition of the petitioner to recall the order dated 15.09.1982 but the order has not been annexed. It also appears from perusal of Annexure-3A that the Commissioner, Saran in Land Ceiling Revision case No. 2186-87 called for paragraphs wise comments and lower court records. Having received the paragraph wise comments and lower court records, the Commissioner appears to have remanded the case to the Collector but the order of Commissioner remanding the case to the Collector has not been annexed with the writ petition. Thereafter, Annexure-4 is annexed which shows that the Collector passed order in Land Ceiling Appeal No. 258 of 82-83/ 13 of 85-86 and the Collector considered the objection and petition and found that petitioners themselves filed contradictory statements in different petitions and did not produce any documentary evidence in support of their contention. Accordingly, the Collector vide order dated 06.12.1991 dismissed the appeal. The Additional Member, Board of Revenue also dismissed the revision.

Considering the facts that petitioner himself failed to bring on record the relevant documents showing that he was not properly heard, I do not find any merit in this writ petition. This writ petition is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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