

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7633 of 2010.

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1. Osaidur Rahman, S/o Late Md. Motipur Rahman, R/o Village & Post Narsara, P.S.-Bisanpur, District-Darbhangha.
 2. Bibi Robaida Khatoon, W/o Safiur Rahman, R/o Village & Post Narsara, P.S.-Bisanpur, District-Darbhangha.

.... Petitioners

Versus

1. The State of Bihar.
2. The Secretary, Department of Land Reforms and Revenue, Govt. of Bihar, Patna.
3. The Collector, Darbhanga.
4. The Additional Collector, Land Ceiling, Darbhanga.
5. The Deputy Collector, Land Reforms, Darbhanga.
6. The Sub Divisional Officer, Sadar Darbhanga.
7. The Anchaladhikan, Hayaghat, Darbhanga.
8. Mahendra Baitha, S/o Khokhai Baitha, R/o Village, Post and Anchal Hanumannagar, District-Darbhangha.
9. Nirmal Devi, W/o Mahendra Baitha, R/o Village, Post and Anchal Hanumannagar, District-Darbhangha.
10. Ramji Ram, S/o Late Krishna Ram, R/o Village, Post and Anchal Hanumannagar, District-Darbhangha.
11. Deb Narayan Thakur, S/o Late Ram Khelawan Thakur, R/o Village Rajapa, P.O.- Tira-Jatmalpur, P.S.- Kalyanpur, District- Samastipur.
12. Urmila Devi, W/o Raj Narayan Thakur, R/o Village-Mohiuddinpur, P.S.- Warisnagar, District-Samastipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. AMARENDRA NARAYAN

For the Respondent/s : Mr. R.C.THAKUR (SC(C)4)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 06-03-2018

Heard both sides.

The petitioners have filed this writ petition against issuance of Parwana Parcha (Annexures-8 and 8/1) with regard to the lands of plot no. 84, 83 and 49, having an area of 0.39 decimal, khata no. 326 situated in village Ukhra, Hayaghat, Darbhanga and the lands of plot



no. 419, area 40 decimal of Khata no.326 situated in village Ukhra, Hayaghat.

Learned counsel for the petitioners submits that the lands stand in the name of their vendors and no proceeding was ever initiated for acquisition of the lands of their vendors under the Ceiling Act. The notification as contained in Annexure-4 does not contain the plots of petitioners purchased by their vendors but the Sub Divisional Officer, Sadar Darbhanga, issued Parwana (Parcha) in favour of respondent no.8 to 10.

The State has filed counter affidavit and admitted the fact that Ceiling Case No.2 of 1996-97 was initiated against Mostt. Asharfi Devi, Urmila Devi and their lands were acquired and final notification has already been published under Section 15(1) of the Ceiling Act but State has not been able to point out that the lands purchased by the petitioners of khata no.326 of plots no.84, 88, 49 and 419 have been acquired.

From perusal of Annexure-5 as well as Annexure-A series, it appears that lands of Khata no.46, 326 and others have been acquired but the plot no.84, 88, 49 and 419 do not find place in the notification issued under Section 15(1) of the Ceiling Act. It is submitted that the petitioners are still in possession of the lands.

Having considered the submissions made on behalf of both



the sides and on perusal of the record, it appears that the lands of plot no. 84, 88, 49 and 419 of khata no.326 of village Ukhra have not been acquired in pursuance of notification issued in Ceiling Case No.02 of 1996-97.

In view of this fact, I dispose of this writ petition with direction to Sub Divisional Officer, Sadar Darbhanga to consider the objection of the petitioners that without acquisition of their purchased lands Parwana (Parcha) was issued to different persons and disposed of the objections of the petitioners within two months from the date of receipt of this order.

In the meantime, till disposal of the objection of the petitioners, the petitioners shall not be dispossessed from the lands.

Accordingly, this writ petition is disposed of with aforesaid direction.

(Prabhat Kumar Jha, J.)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15-03-2018
Transmission Date	NA

