

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12292 of 2016

-
-
1. Patwari Marandi S/o Late Katihar Marandi vill- Bajrahadira, PS - Dhamdaha, Dist- Purnia
 2. Chulhai Muni S/o Late Bhusi Muni vill- Bajrahadira, PS - Dhamdaha, Dist-Purnia
 3. Kailash Mandal S/o Rasik Lal Mandal, vill- Bajrahadira, PS- Dhamdaha, Dist- Purnia
 4. Mira Devi W/o Late Bindeshwari Yadav vill- Bajrahadira, PS Dhamdaha, Dist.-Purnia
 5. Sadanand Yadav S/o Late Shiv Lal Yadav vill-Bajrahadira, PS - Dhamdaha, Dist- Purnia
 6. Nirji Devi D/o Late Shiv Lal Yadav vill- Bajrahadira, PS- Dhamdaha, Dist- Purnia
 7. Raghunandan Yadav @ Raghu Yadav S/o Shiv Lal Yadav, vill- Bajrahadira, PS - Dhamdaha, Dist.- Purnia
 8. Suresh Muni S/o Jailal Muni, vill- Bajrahadira, PS- Dhamdaha, Dist- Purnia
 9. Govind Mandal S/o Rasik Lal Mandal, Vill- Bajrahadira, PS- Dhamdaha, Dist-Purnia

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Katihar
3. The Collector, Purnia
4. The S.D.O. Dhamdaha
5. The D.C.L.R., Dhamdaha
6. The C.O. Dhamdaha
7. Shri Laxmikant Choudhary S/o Late Ramanand Choudhary vill- Barata, PS Phalaka, Dist- Katihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Yadav
For the Respondent/s : Mr. Ajay- Ga12

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date : 05-11-2018

Heard both sides.

2. Petitioners by filing this writ petition seek relief for issuance of writ of mandamus or any other appropriate writ or direction commanding the respondents not to dispossess the petitioners from the land allotted to them in the year 1991-1995 after



acquisition of land under the Land Ceiling Act. The respondents be further directed to allot the petitioners other equivalent area of land for their settlement.

3. The learned counsel for the petitioners submits that one Land Ceiling Case No.257 of 1973-74 was initiated against Lakshmikant Choudhary and the lands of Khata No.531, Plot Nos.2240, 2241, 2242, Area 5.13 Acre, Khata No.528, Khata No.2198, Area 10 Decimals and different plots of Khata No.533, Area 9.68 Acres situated in Village Mali were acquired and distributed among the landless under Section 27 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act after notification issued under Section 15(1) of the Act and the petitioners have constructed their house but the respondents cancelled their red card and threatened to take possession of the lands.

4. The learned counsel for the State submits that it appears that another Miscellaneous Ceiling Case No.385 of 1994-95 was initiated and in view of the order dated 17.07.1995, the lands acquired by issuance of notification under Section 15(1) of the Act in pursuance of the order passed in Land Ceiling Case No.257 of 1973-74 was de-notified vide Notification No.353, dated 01.11.2014 and the lands of Khata Nos.531, 528, 533, measuring 14 Acres, 91 Decimals was released and the landlord was found to be entitled to



hold the land in his own unit, therefore, the cancellation of red card issued in favour of the petitioners is legal and does not require any interference.

5. It is evident that Land Ceiling Case No.257 of 1973-74 was initiated in which the lands of Khata Nos.531, 528, 533, total Area 14.91 Decimals was declared surplus and a notification under Section 15(1) of the Act was issued. Thereafter the aforesaid lands were allotted to the landless persons-the petitioners but the land holder filed Miscellaneous Land Ceiling Case No.385 of 1994-95 and it was found vide order dated 17.07.1995 that the land of the land holder was illegally declared surplus and accordingly, the notification issued under Section 15(1) of the Act declaring the land of the land holder surplus was de-notified and the land was released in favour of landlord. Consequent thereupon the authority rightly cancelled the red card, Parwana issued to the petitioners. Therefore, I find no merit in this case.

6. Accordingly, the writ petition is dismissed as de-void of any merit.

(Prabhat Kumar Jha, J.)

S.KUMAR/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.11.2018
Transmission Date	NA

