

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20089 of 2016

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1. Om Prakash Bhagat S/o Late Bhola Prasad Bhagat
 2. Jai Prakash Bhagat S/o Late Bhola Prasad Bhagat, Both Resident of Village-Chandpur, P.S.- Kadwa, District-Katihar

.... Petitioners

Versus

1. The State of Bihar
2. The Collector, Katihar
3. The Additional Collector, Land Ceiling Katihar
4. The Anchaladhikari, Kadwa, District-Katihar

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Jha
Mr. Suresh Prasad Sah @ Barnwal
For the Respondent/s : Mr. Sanghmitra Ghosh, Gp15

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 24-08-2018 Heard both sides.

I.A. No.6427 of 2018 is filed by nine persons for impleading as petitioners in the case and for stay of the order as contained in Letter No.1824 dated 03.08.2018.

I do not find any substance in the intervener petition since the interveners are heard in the earlier writ petition filed by them and the matter was remitted to the Collector to hear both sides and pass order in accordance with law. On such direction, the Collector passed the order that the petitioners, who are purchasers of the land are bonafide purchasers and accordingly their lands were ordered to be de-notified from the surplus land.



Accordingly, I.A. No.6427 of 2018 is dismissed.

The petitioners have filed this writ petition for a direction to the respondent Collector to issue a Gazette Notification de-notifying the land in question from the list of surplus land acquired by the State in connection with Land Ceiling Proceeding No.72 of 1973-74 (State Vs. Daya Rani Bhagatain) as directed by the respondent no.2 vide order dated 18.07.2014 and by respondent no.3 in his order dated 28.09.2011.

Land Ceiling Case No.72/1973-74 initiated against the land lord Daya Rani Bhagatain but the land purchased by the petitioner bearing 7.25 acres was also declared surplus. A proceeding was opened under Section 45B of Bihar Land Reforms Act and the petition of the petitioners was allowed. The Additional Collector found that the petitioners are bonafide purchaser and accordingly directed for de-notification of the notification issued under Section 15(1) of the Ceiling Act declaring the land of the petitioner as surplus and for cancellation of red card issued in favour of the land less. The petitioners are red card holders filed C.W.J.C. No.15747 of 2010 and C.W.J.C. No.14325 of 2010. Both the writ petitions were heard together and the Collector after hearing both sides passed order on 28.09.2011 directing for de-notification of the land of the petitioners from acquisition but at



the same time Collector, Katihar ordered for acquisition of some area of the land from the unit of the land holders but even after de-notification of the land of the petitioners in Ceiling proceeding was not issued and the possession of the lands has not been handed over to the petitioners. In pursuance of order dated 24.08.2018, the Collector, Katihar gave possession of the land to the petitioners but still the notification de-notifying the land of the petitioners from the surplus area has not been issued.

Having considered the facts, I dispose of this writ petition with a direction to the Collector that of course possession of the land has already been handed over to the petitioners but de-notification of the notification acquiring of the purchased land of the petitioners has not been issued, to issue notification de-notifying the notification declaring the land of the petitioners surplus within six weeks from the date of receipt of this order.

Accordingly, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

Amit/-

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