

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13437 of 2015

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Ashok Kumar S/o Ram Bilash Yadav R/o village - Sagarpur, P.S. Sakri, Distt.
- Madhubani, Authorized Legal Representative of Kumar Kapileshwar Singh

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna
2. The Collector, Madhubani
3. The Additional Collector Ceiling , Madhubani
4. The S.D.O. Sadar, Madhubani
5. The Deputy Collector Land Reforms, Sadar, Madhubani
6. The Circle Officer, Pandaul, Madhubani
- 7(1) Kaushal Paswan, son of Late Ram Narayan Paswan, R/o village - Pandaul (West) P.S. Pandaul, Distt. - Madhubani
- 7(2) Sanjan Paswan, son of Late Ram Narayan Paswan, R/o village - Pandaul (West) P.S. Pandaul, Distt. - Madhubani
- 7(3) Jalo Devi, D/O Late Ram Narayan Paswan, R/o village - Pandaul (West), P.S. Pandaul, Distt. - Madhubani
- 7(4) Panchali Devi D/O Late Ram Narayan Paswan, R/o village - Pandaul (West), P.S. Pandaul, Distt. - Madhubani
8. Lila Devi, W/O Late Ram Kumar Paswan, R/O village - Pandaul (West), P.S. Pandaul, Distt. - Madhubani

. ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajiv Ranjan Kr. Pandey
		Mr. Kritya Nand Jha
For respondent nos. 7 and 9		Mr. Prabhs Ranjan
For the State		Mr. Ramadhar Singh, GP 25

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 16-08-2019 Heard the learned counsel for the parties.

The petitioner claims to be an authorized
representative of one Kumar Kapileshwar Singh, Member
Managing Committee, Residuary Estate of Late Dr.
Kameshwar Singh, Maharajadhiraja of Darbhanga. In that



capacity, he has filed the present writ application, seeking a direction to the respondents to dispose of a representation dated 15.06.2015 filed by the petitioner, after conducting proper enquiry in respect of the land of Khata No. 1002(old), Khesra No. 879(old), Rakba 18 decimal, which has been distributed among respondent nos. 7 and 8.

Respondent no.7 has died during the pendency of this application and accordingly I.A. No. 01 of 2019 has been filed for substitution.

I. A. No. 01 of 2019 is hereby allowed. Let the names of the legal heirs of respondent no.7, as described in paragraph 3 of the said application, be substituted, after expunging the name of respondent no.7.

A counter affidavit has been filed on behalf of the State-respondent no.6, making specific statements in paragraphs 9 and 10. Paragraph 10 thereof reads thus:-

“10. That the statement made in paragraph 3 of the writ petition is vehemently denied. It is submitted that so-called authorization letter vide Annexure-1 of the writ petition is forged, fabricated piece of evidence.

It is further submitted that so



called executor Kumar Kapileshwar Singh did not authorize the petitioner to file any case on behalf of Darbhanga Sugar Company Ltd. Sakri and Lohat District Madhubani and therefore the petitioner filed the instant writ petition without any sufficient and valid right.”

The State-respondents have, thus, questioned the petitioner’s *locus standi* to maintain this writ application. The averment so made in paragraph 10 of the counter affidavit has remained unrebutted.

Further, in paragraph 9 of the counter affidavit, it has been stated 579.12 ½ acres of land was declared surplus including the land of S.P. Nos. 879 and 876, along with other lands and the governments has acquired the said surplus land of the landholder and has distributed them among the public, in accordance with law.

Learned counsel for the petitioner has attempted to persuade this Court that the land, in respect of which *purchas* have been issued in favour of respondent nos. 7 and 8 does not come within the land acquired under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.

In view of the stand, which has been taken in the



counter affidavit, disputing the very standing of the petitioner, I need not go into the said aspect of the matter.

This writ application is thus disposed of with the only observation that any person duly authorized by the landholder shall be at liberty to raise his claim, if permissible, before appropriate forum, in accordance with law.

(Chakradhari Sharan Singh, J)

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