

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 3958 of 2018

Arising out of

Civil Writ Jurisdiction Case No. 14675 of 2005

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Mahanth Brahmadeopuri Chela of Late Mahanth Shyam Nandan Puri @
Vijayanandpur Son of Late Keshorampuri resident of Village Deoramath, P.S.
Ghoshi, T.O.P. Okri, Anchal Modangar District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar, through Alok Ranjan Ghosh, District Magistrate cum Collector Jehanabad.
2. Sri Manish Kumar, Superintendent of Police, Jehanabad.
3. Sri Pratosh Kumar Sub-Divisional Officer, Jehanabad.
4. Rahul Kumar, Officer Incharge T.O.P. Okri under Ghoshi, P.S. District Jehanabad.
5. Manoj Kumar Singh, the then D.M. cum Collector, Jehanabad.
6. Nawal Kishore Chy, the then S.D.O. Jehanabad.
7. Sri Pramod Kumar Mishra the then Circle Officer, Modanganj under Jehanabad District.
8. Aditya Kumar, the then S.P. Jehanabad.
9. Rupesh Kumar the then Officer, Incharge T.O.P. Okri under Ghoshi, P.S. District- Jehanabad.
10. Dharmendra Kumar, the then officer Incharge, T.O.P. Okri, under Ghoshi, P.S. District Jehanabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate
For the State : Mr. Sanjay Ghosarvey, AC to AAG 3

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 26-09-2019

Heard the petitioner, who is appearing in person and
learned AC to AAG 3 for the State.

2. Pursuant to order dated 11.09.2019, the District
Magistrate and Superintendent of Police, Jehanabad are present.



3. Supplementary show cause has also been filed on their behalf which is affirmed by the District Magistrate, Jehanabad.

4. The controversy now is limited to 12 acres of land which the petitioner had opted for in the ceiling proceedings and were to be handed over to him and the rest of the land which was taken by the State as surplus land, on the same, *parcha* holders had to be adjusted.

5. Today, the stand taken by the officers is that the petitioner has in his possession 12 acres of land, which under the order of the Collector, is now to be handed over to the Government and only when the petitioner vacates the said 12 acres of land he is in possession as of today, only then the 12 acres of land which he had opted for would be handed over to him. The petitioner when called upon took a categorical stand that he has no objection if the State takes 12 acres of land which is covered by the order in the ceiling case and has now vested with the State, by way of an exchange for the 12 acres of land for which he has opted and as per order of the Court dated 27.08.2007 passed in CWJC No. 14675 of 2005, has to be given to him.



6. Perusal of the petition discloses that the petitioner has filed the application alleging violation of the order dated 27.08.2007 passed in CWJC No. 14675 of 2005.

7. The petitioner appearing in person is thoroughly confused. The Court has not got any assistance from him. He kept on shifting from one order of the Court to other to point out some shortcoming on the part of the authorities.

8. Be that as it may, the Court has been assisted by learned counsel for the State and the officers themselves. In any view of the matter, the order of the Court dated 26.03.2009 in CWJC No. 1203 of 2008, is also required to be complied with.

9. In view of the stand taken by the officers in Court today, the Court finds that one further indulgence is required to be given to them.

10. Accordingly, the application stands disposed off in light of the undertaking given by the District Magistrate and Superintendent of Police, Jehanabad that the 12 acres of land on which the petitioner is presently having possession shall be taken over by the State and the 12 acres of land which he has opted in the ceiling proceeding shall be handed over to him by way of an exchange and the *purcha* holders, who may have been given land from the 12 acres which the petitioner has opted for, shall be



adjusted in the 12 acres, which would be taken over by the authorities and the said exercise would be completed within two months.

11. However, by way of indulgence, the Court grants them three months to complete the exercise.

12. Personal appearance of the officers stands dispensed with.

(Ahsanuddin Amanullah, J.)

P. Kumar

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