

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14308 of 2019

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1. Manjur Alam alias Sheikh Manzur Alam Son of Late Sk. Zahiruddin alias Zahiruddin R/o Village-Kursel, Post Office-Jhaua, P.S.-Kadwa, District-Katihar
 2. Sheikh Faiqur Rahman S/o Late Sk. Zahiruddin alias Zahiruddin R/o Village-Kursel, Post Office-Jhaua, P.S.-Kadwa, District-Katihar

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Deputy Secretary Revenue and Land Reforms Department, Government of Bihar, Patna-800001
3. The Collector Katihar
4. The Sub-Divisional Officer Katihar
5. The Deputy Collector Land Reforms, Katihar
6. The Circle Officer Kadwa, District-Katihar
7. Kanshu Rai S/o Late Phagu Rai R/o Village-Kursail, Post Office-Jhaua, P.S.-Kadwa, District-Katihar
8. Singhu Rai S/o Late Phagu Rai R/o Village-Kursail, Post Office-Jhaua, P.S.-Kadwa, District-Katihar
9. Rajnu Rai S/o Late Phagu Rai R/o Village-Kursail, Post Office-Jhaua, P.S.-Kadwa, District-Katihar
10. Gorau Chaudhary S/o Gaya Chaudhary R/o Village-Kursail, Post Office-Jhaua, P.S.-Kadwa, District-Katihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Najmul Hoda

For the Respondent/s : Mr.Md. Khursid Alam (AAG-12)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 23-07-2019 Heard learned counsel for the parties.

2. The petitioners seek quashing of a Gazette notification No. S.O.2868 dated 01.10.1976, issued by the Revenue & Land Reforms Department, under Section 15 (1) of the Bihar Land Reforms (Fixation of ceiling Area and



Acquisition of Surplus Land) Act, 1961 (hereinafter referred to as 'the Act'), declaring certain lands to be surplus. The description of land finds placed in the notification. It is the case of the petitioners that a Land Ceiling Case No. 492 of 1966-67 was initiated against the landholder Harihar Prasad Das in the Court of Deputy Collector Land Reforms, Katihar and during the pendency of the said land proceeding, Harihar Prasad Das died. It is the further case of the petitioners that the said land ceiling case was disposed of by an order dated 06.06.1972 as the landholder had died during the pendency of this case leaving behind his heirs. The said order dated 06.06.1972 has been brought on record by way of Annexure-2 to the writ application so as to make out a case that it was held in the ceiling proceeding that the heirs of Harihar Prasad Das were found to be having no surplus land. It has further been stated that Harihar Pd. Das had only one son Thakur Prasad Das, who was deaf and dumb and had lost mental balance and subsequently became traceless. According to the petitioners, through a registered deed of gift dated 08.09.1962, the *Khatiyani Raiyat* Harihar Pd Das had gifted the land to his wife Jiwchi Devi, who was in actual cultivating possession of the land in whose name the land was mutated. Through a sale deed dated 27.06.1974 the said



Mostt. Jiwachi Devi sold 2.27 acres of land to the petitioners from plot Nos. 169 and 170, appertaining to Khata No. 163.

3. It is the petitioners' case that they have recently learnt about issuance of the said Gazette notification dated 01.10.1976, declaring lands of the son of Harihar Pd. Das had surplus.

4. Learned counsel appearing on behalf of the petitioners has submitted that they did not have any knowledge at all about issuance of the Gazette notification, which is impugned in the present writ application. He has further submitted that since the Deputy Collector Land Reforms had already decided by his order dated 06.06.1972 that there was no surplus land held by the heirs of Harihar Pd. Das, it was not within the jurisdiction of the Revenue authority to issue subsequent notification under Section 15(1) of the Act, declaring the lands of heirs of Harihar Pd. Das to be surplus.

5. This writ application has been filed nearly 43 years after issuance of the Gazette notification. The submission advanced on behalf of the petitioners that they were not knowing about the issuance of the notification cannot be accepted by this Court since the notification was published in official Gazette. I do not find the explanation putforth by the



petitioners, justifying delay in filing of the writ application to be acceptable to this Court.

6. This writ application is accordingly dismissed on the ground of inordinate delay and laches.

(Chakradhari Sharan Singh, J)

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