

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13896 of 2019

1. Md. Shahjad Alam S/o Late Yusuf Azad Vill.- Rashok, Nawtoliya, P.s.- Morkahi, Distt.- Khagaria
2. Md. Shamshad Alam S/o Late Yusuf Azad Vill.- Rashok, Nawtoliya, P.s.- Morkahi, Distt.- Khagaria
3. Barun Kumar Rajak S/o Late Yadu Rajak Vill.- Rashok, Nawtoliya, P.s.- Morkahi, Distt.- Khagaria
4. Fulo Devi W/o Sitaram Mandal Vill.- North Marar, P.o.- Marar, P.s.- Morkahi, Distt.- Khagaria
5. Munni Devi W/o Vijay Sah Vill.- North Marar, P.o.- Marar, P.s.- Morkahi, Distt.- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department, Govt. of Bihar, Patna
2. The Commissioner Munger Division, Munger
3. The Collector-cum-District Magistrate Khagaria
4. Deputy Collector Land Reforms, Khagaria
5. Circle Officer Morkahi, Distt.- Khagaria
6. Bihar Bhoodan Yagya Committee Bihar
7. Bhoodan Mantra Bhoodan Yagya Committee, Khagaria
8. Sarswati Devi W/o Nandan Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria
9. Sita Devi W/o Chhatis Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria
10. Pawan Devi W/o Late Baso Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria
11. Sunita Devi W/o Ram Chandra Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria
12. Umiya Devi W/o Pradhan Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria
13. Rajman Devi W/o Mithu Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria
14. Girija Devi W/o Medni Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria
15. Rekha Devi W/o Ram Chandra Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria
16. Kabita Devi W/o Soman Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria
17. Jagiya Devi W/o Mahendra Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria
18. Geetqa Devi W/o Madan Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria
19. Kaushlya Devi W/o Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria
20. Yashoda Devi W/o Aklu Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria



21. Manti Devi W/o Binod Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria
22. Babita Devi W/o Vijay Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria
23. Bimla Devi W/o Rajendra Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria
24. Puja Devi W/o Dularchan Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria
25. Belie Devi W/o Late Moti Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria
26. Radha Devi W/o Rajo Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria
27. Pramila Devi W/o Kamlesh Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria
28. Ranjan Devi W/o Kanhaiya Sada Resident of Village- Uttar Marar, P.s.- Morkahi, Anchal- Khagaria, Distt.- Khagaria

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dronacharya
For the State	:	Mr.Subash Chandra Yadav (GP-15)
		Mr. Rakesh Kumar Srivastava, AC to GP 15

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-07-2019 Heard the learned counsel for the parties.

An order dated 06.11.2018, passed by the Collector, Khagaria in Parcha Cancellation Case No. 01 of 2016-17, whereby he has affirmed an order dated 26.11.2015, passed by the Deputy Collector Land Reforms, Khagaria in Bihar Land Dispute Resolution Case No.01 of 2015-16, is under challenge in the present writ application.

In substance, the grievance of the petitioners is that their *raiya* lands have been fraudulently treated to be the lands



donated by the landlord under the Bihar Boodan Yagna Act, 1954 (for short 'the Act of 1954') in the year 1953 and accordingly *purchas* have been issued in favour of the private respondents.

Learned counsel for the petitioners has submitted that the Deputy Collector Land Reforms was approached by the petitioners under Bihar Land Disputes Resolution Act, 2009 (for short 'the Act of 2009'), who is the competent authority to decide the dispute under the Act of 1954. According to him, despite the finding recorded by the Deputy Collector Land Reforms in favour of the petitioners, he has refused to pass appropriate order.

This is to be noted that against a proceeding arising out of the Act of 1954 and the Act of 2009, the Bihar Land Tribunal has the jurisdiction to entertain an application against the final orders, passed under the said provisions. The petitioners are themselves not sure as to whether their application before the Deputy Collector Land Reforms was treated as an application under the Act of 2009 or under the provisions of the Act of 1954. According to their own showing, the application was filed under the Act of 2009.

If the petitioners have any grievance pertaining to



infirmity in the decision by the competent authority in confirmation of the lands, said to have been donated by the land-owner(s) in 1953, they could have taken appropriate steps by making specific application under the provisions of the Act of 1954.

This writ application is disposed of with an observation that the petitioners shall have liberty to approach the competent authority under the Act of 1954, raising the grievance that the lands, in question, have wrongly been treated to have been donated under the Act of 1954.

Let a copy of this order be communicated to the Chairman of the Bhoodan Land Distribution Enquiry Commission, constituted by the State of Bihar, in the light of the observations made by this Court in CWJC No. 4126 of 1991 (**Jhulan Baitha and others Vs. State of Bihar and others**), as the facts of the present matter may give some insight for the Commission to discharge its obligation.

(Chakradhari Sharan Singh, J)

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