

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6701 of 2018

Arjun Jaisawal @ Arjun Prasad Jaiswal son of late Buchan Jaiswal @ Phucho Jaiswal resident of Mohalla and Police Station Sri Nagar, District - Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Additional Collector Ceiling Purnea.
3. The Deputy Collector Land Reforms, Purnea.
4. The Circle Officer, Sri Nagar, Purnea.
5. Bibi Hadisa Khatoon wife of Zalauddin resident of Mohalla and Police Station Sri Nagar, District - Purnea.
6. Mahendra Rishi son of Shankar Rishi Resident of Village - Makhuaha, Police Station - K Nagar, District - Purnea.
7. Most Kalia Devi wife of Ganeshi Rishi Resident of Village - Udai Nagar, Police Station - K Nagar, District - Purnea.
8. Ram Khali Rishi son of Jagrup Rishi Resident of Village - Udai Nagar, Police Station - K Nagar, District - Purnea.
9. Most Nakil wife of Satto Rishi Resident of Village - Udai Nagar, Police Station - K Nagar, District - Purnea.
10. Suresh Rishi son of Khautar Rishi Resident of Village - Udai Nagar, Police Station - K Nagar, District - Purnea.
11. Bhikhiya Devi wife of Suresh Rishi Resident of Village - Udai Nagar, Police Station - K Nagar, District - Purnea.
12. Most. Bahiri wife of Udha Rishi Resident of Village - Udai Nagar, Police Station - K Nagar, District - Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh
For the Respondent/s : Mr.Md. Khurshid Alam- Aag12

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 21-11-2019 Heard both sides.

The learned counsel for the petitioner submits that the landlord sold the land of Khata No. 1091, plot No. 3524 and 3525, measuring 4.85 acres, in the year 1981 but when the land ceiling proceeding was initiated for acquiring the land of the



landlord, the landlord did not disclose this fact that he had already sold the land to the petitioner in the year 1981. Consequently, the petitioner could not get any notice and the land purchased by the petitioner was acquired and gazette notification under Section 15(1) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1962 (hereinafter referred to as the Act) has been issued and the petitioner could not file petition under Section 5 of the Act.

The learned counsel for the petitioner seeks permission to withdraw this writ petition in order to enable the petitioner to file petition under Section 30 (inserted by Amendment Act 18/2016) of the Act before the Collector, Purnea for redressal of his grievance.

The prayer is allowed.

This writ petition is disposed of as withdrawn with liberty to the petitioner to file petition under Section 30 of the Act which empowers the Collector to initiate proceeding if the landlord has played any fraud and concealed any facts and if such a petition is filed by the petitioner, the Collector shall dispose of the petition within six months from the date of receipt of this order.

(Prabhat Kumar Jha, J)

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