

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24599 of 2019

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Ram Pravesh Singh, Son of Late Kameshwar Singh, resident of village- Gopi Dhanwat, P.O. Gidha, P.S. Saraiya, District- Muzaffarpur. At present residing at Mohallah-1347 B, Gali No.13, Govindpuri Kalkaji, P.S.-Kalkaji, District-South Delhi, Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Revenue and Land Reforms Dept., Govt. of Bihar, Patna.
2. The Additional Member Board of Revenue, Bihar, Patna.
3. The Additional Collector, Muzaffarpur.
4. The Deputy Collector, Land Reforms (West) Muzaffarpur.
5. Gujar Sah, son of Late Sukhan Sah,
6. Kashi Nath Sah, son of Late Sukhan Sah,
7. Mohan Sah, son of Late Chirkut Sah
8. Sohan Sah, son of Late Chirkut Sah
9. Parohan Sah, son of Late Chirkut Sah, all resident of Village Gopi Dhanwat, P.O. Gidha, P.S. Saraiya, District- Muzaffarpur.
10. The District Magistrate, Muzaffarpur.
11. The Senior Superintendent of Police, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the Respondent/s	:	Mr. Rishi Raj Sinha, SC-19
		Mr. Birendra Pd. Singh, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 10-12-2019

Heard learned counsel for the petitioner and learned
SC 19 for the State.

2. The petitioner has moved the Court for the
following reliefs:

“A. To issue a writ of mandamus or any other writ or writs direction or direction commanding upon the respondents to direct



the learned DCLR (West) Muzaffarpur to effect delivery of possession done of the land in question in favour of the petitioner in whose favour the learned DCLR (West) Muzaffarpur has executed a sale deed with respect to the land in question on 14.10.2016 in favour of the petitioner.

B. To pass such any order or orders as this Hon'ble Court thinks fit and proper under the facts and circumstances of this case."

3. The contention of the petitioner is that his application under Section 16(3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, was allowed to which there was challenge before the authorities concerned and even in the High Court before the single Bench as well as in appeal, where a Division Bench of this court in LPA No.400 of 2009 along with its analogous case, by order dated 23.02.2011, has upheld the right of the petitioner. Pursuant thereto, the DCLR (West), Muzaffarpur, has executed the sale deed in favour of the petitioner of the land in question, on 14.10.2016 which was registered on 24.10.2016. It was submitted that despite such registration of deed of transfer, possession has not yet been handed over to the petitioner.

4. At this juncture, the Court put a specific query to learned counsel for the petitioner as to whether against such registered deed of transfer, any proceeding is pending before any authority/forum/Court of law, the answer was in the



negative. On a further query of the Court as to whether the private respondents (respondents no. 5 to 9) have moved against such transfer, again the answer was in the negative.

5. In view thereof, the Court does not deem it necessary to issue notice to the private respondents as they have not moved before any forum against such transfer made in favour of the petitioner.

6. Learned counsel for the State submitted that the authority may be directed to do the needful in accordance with law.

7. Having regard to the aforesaid, the writ petition stands disposed off with direction to the respondent no. 4 to ensure that possession of the land for which deed of transfer has been executed in favour of the petitioner by him on 14.10.2016 and registered on 24.10.2016, is delivered to him, if already not so done, within a period of two months from the date of production of a copy of this order before him.

8. The District Magistrate, Muzaffarpur, as well as Senior Superintendent of Police, Muzaffarpur, shall ensure all necessary assistance to the respondent no. 4, as may be required by him, for compliance of this order.

9. For the sake of convenience, let the District



Magistrate, Muzaffarpur and the Senior Superintendent of Police, Muzaffapur, be added as respondents no. 10 and 11 in the present writ application. Let necessary correction be made by learned counsel for the petitioner in the cause title during course of the day.

10. Learned counsel for the State accepts notice on behalf of the newly added respondents.

11. Before parting, the Court would clarify that the present order has been passed on the presumption that the sale deed in question, is not the subject matter of any proceeding before any Court and is still in operation. The same shall be verified by the respondent no. 4 before proceeding in the matter.

(Ahsanuddin Amanullah, J)

J. Alam/-

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