

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.647 of 2020

- 1.1. Amina Khatoon wife of Late Md. Gaffar @ Abdul Gaffar. resident of village- Bauram, P.S.- Jamalpur, District- Darbhanga.
- 1.2. Md. Naim son of Late Md. Gaffar @ Abdul Gaffar resident of village- Bauram, P.S.- Jamalpur, District- Darbhanga.
- 1.3. Najim son of Late Md. Gaffar @ Abdul Gaffar resident of village- Bauram, P.S.- Jamalpur, District- Darbhanga.
- 1.4. Hidayat son of late Md. Gaffar @ Abdul Gaffar resident of village- Bauram, P.S.- Jamalpur, District- Darbhanga.
- 1.5. Eliyas son of Late Md. Gaffar @ Abdul Gaffar resident of village- Bauram, P.S.- Jamalpur, District- Darbhanga.
- 1.6. Samim son of Late Md. Gaffar @ Abdul Gaffar resident of village- Bauram, P.S.- Jamalpur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector Darbhanga.
3. The Officiating Minister District Bhodan Yogna office at Collectrate, Darbhanga.
4. C.O. Gauda Bauram District- Darbhanga.
5. Jagdev Mallah Son of Sunar Mallah Resident of Village- Bauram, P.S.- Jamalpur, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar, Adv.
For the Respondent/s	:	Md. Khurshid Alam, AAG-12
For the Respondent No.3:	:	Ms. Alka Verma, Adv.
For the Intervener	:	Mr. Jagannath Singh, Adv.
	:	Mr. Anuj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
CAV JUDGMENT

Date : 13-07-2020

The present writ petition has been filed
seeking the following reliefs:-

*“That this is an application for issuance
of appropriate writ/writs,
direction/directions commanding the*



respondents particularly the respondent no. 4 to hand over the delivery of possession to the petitioner of the land in question which he got through the Bihar Bhodan Yagna Committee having area of 15 kattas of land and for the direction to the respondent no. 4 to act according to his earlier order vide letter bearing no. 640 dated 10.07.2018 whereby he has to allot the land in question having area 15 kattas of land to the petitioner and or issuance of consequential writ restraining the respondent no. 2 and 4 not to handover the land in question for construction of hostel on the land in question till the disposal of the present writ application and or issuance of any other writ, under the facts and circumstances of the case."

2. The learned counsel for the petitioner has submitted that 15 kathas of land, appertaining to Mauja-Bauram, Thana No. 413, Tawzi No. 6424, Khata No. 415, Plot No. 451/2 was settled in favor of the original writ petitioner by the Bihar Bhodan Yagna Committee on 25.01.1956, as would be



apparent from Annexure-1 to the writ petition. It is submitted that the Bihar Bhoodan Yagna Act, 1954 governs the law pertaining to the case in hand and in this connection, the learned counsel for the petitioner has referred to Sections 11 and 14 thereof, which are reproduced herein below:-

“Section 11 - Publication of, and investigation upon the, Yagna

Danpatra-*[(1) On receipt of the Bhoodan Yagna Danpatra the Revenue Officer shall cause the same to be published in the prescribed manner inviting written objections thereto within a period of thirty days from the date of publication.*

(2) If no written objection is filed within the period mentioned in subsection (1), the Revenue Officer shall make a summary inquiry in the prescribed manner as to the right, title and interest of the donor in such land and his competency to make a gift.

(3) If any written objection is filed within the period mentioned in subsection (1), the Revenue Officer shall register such objection and fix a date



for hearing of which a public notice shall be given in the prescribed manner and a copy of such notice shall be served on the donor and the objector by registered post with acknowledgment due and on the date so fixed, the Revenue Officer shall hear the donor and the objector.

(4) After holding the summary enquiry under sub-section (1) or after hearing the donor and the objector under sub-section (3), as the case may be, the Revenue Officer may supersede the Bhoodan Yagna Danpatra in whole or in part on any of the following grounds, namely:-

(i) that the donor is incompetent to make a gift;

(ii) that the title of the donor is defective;

(iii) that the donor is not a person entitled to donate the land under the provisions of Section 10 or Section 12.

(5) If the Bhoodan Yagna Danpatra is not superseded in whole or in part under sub-section (4), the



Revenue Officer shall confirm it in whole and if it is superseded in part, he shall confirm it in respect of the part which is not superseded.]

(6) The donation of the land in respect of which the Bhoodan Yagna Danpatra is superseded shall be cancelled and the right, title and interest of any person in such land before the date of the Yagna Danpatra shall not be affected in any manner.]

(7) The Revenue Officer shall, in the hearing and disposal of objections under this section, have the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (V of 1908), in respect of the following matters, namely:-

- (a) summoning and enforcing attendance of witnesses and examining them on oath;*
- (b) requiring the discovery and production of any document;*
- (c) reception of evidence on affidavits;*
- (d) requisitioning any public*



