

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.175 of 2018

Bachchi Devi @ Moti Devi

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rabindra Nath Kanth
For the Respondent/s	:	Mr. Subhash Chandra Yadav

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 21-09-2022

Heard the parties.

The impugned order of the Member, Board of Revenue has been challenged by the petitioner.

The case of the petitioner is that she is entitled to one unit which was granted in her favour by the Original Court but the Appellate Court reviewed the same and against that order, the Board of Revenue has also rejected her claim only on the ground that the age of the petitioner is debatable.

It is an admitted fact that the date of death of the petitioner's father is 1949. If the petitioner was born even in 1950 after nine months of death of her father, still she will be major on the cut off date though her claim is that she was a major when the proceeding was decided on the appointed date that is on 09.09.2017.

The claim of the petitioner has been rejected



merely on conjectures and surmises, this is not permissible.

In these circumstances, the order dated 26.12.2016 as contained in Annexure-7 and the order dated 01.03.2008 as contained in Annexure- 4 passed by Additional Member, Board of Revenue, Bihar and the Collector, Madhubani respectively are hereby quashed and the order of the original authority is upheld treating the petitioner to be a major. She is entitled to one unit. The petitioner will be given one unit in accordance with law by the concerned authority and the choice of land and classification shall be considered and decided within six months from today.

The Collector, Madhubani will take consequential action for grant of one unit of land to the petitioner within six weeks from today.

With the aforesaid observations and directions, this application is allowed, with cost.

(Sandeep Kumar, J)

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