

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4651 of 2020

1. Smt. Punam Jha @ Punam Devi Wife of Ashok Jha Resident of Mangalwar, Mauza-Nawalganj Pitambar, P.S.-Bhargama, District-Araria.
2. Suchita Devi Wife of Shailendra Jha Resident of Mangalwar, Mauza-Nawalganj Pitambar, P.S.-Bhargama, District-Araria.
3. Anita Devi Wife of Santosh Jha Resident of Mangalwar, Mauza-Nawalganj Pitambar, P.S.-Bhargama, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Collector, Araria, District-Araria.
4. The Additional Collector, Araria, District-Araria.
5. The Deputy Collector, Land Reforms, Forbesganj, District-Araria.
6. The Circle Officer, Anchal and P.S.-Bhargama, District-Araria.
7. Shubhankar Mishra, Son of Late Satya Narayan Mishra Resident of Village and P.O.-Mangalpur, Charaiya, P.S.-Bhargama, District-Araria.
8. Moti devi Wife of Late Yogendra Mishra Resident of Village and P.O.-Mangalpur, Charaiya, P.S.-Bhargama, District-Araria.
9. Chandan KUMAR Mishra Son of Late Yogendra Mishra Resident of Village and P.O.-Mangalpur, Charaiya, P.S.-Bhargama, District-Araria.
10. Suman Kumar Saurabha, Son of Late Yogendra Mishra Resident of Village and P.O.-Mangalpur, Charaiya, P.S.-Bhargama, District-Araria.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1748 of 2020

1. Nirgun Kumar Pathak son of Late Lambodar Pathak resident of Village-Mangalwar, P.S. and Anchal- Bhargama, District- Araria.
2. Amrendra Pathak son of Late Lambodar Pathak resident of Village-Mangalwar, P.S. and Anchal- Bhargama, District- Araria.
3. Surendra Pathak son of Late Lambodar Pathak resident of Village-Mangalwar, P.S. and Anchal- Bhargama, District- Araria.
4. Dhirendra Pathak son of Late Lambodar Pathak resident of Village-Mangalwar, P.S. and Anchal- Bhargama, District- Araria.
5. Baidhnath Pathak son of Late Muktinath Pathak resident of Village-Mangalwar, P.S. and Anchal- Bhargama, District- Araria.



6. Gajendra Pathak son of Late Muktinath Pathak resident of Village- Mangalwar, P.S. and Anchal- Bhargama, District- Araria.
7. Devendra Pathak son of Late Muktinath Pathak resident of Village- Mangalwar, P.S. and Anchal- Bhargama, District- Araria.
8. Upendra Pathak son of Late Muktinath Pathak resident of Village- Mangalwar, P.S. and Anchal- Bhargama, District- Araria.
9. Shivendra Pathak S/O Late Shakti Nath Pathak resident of Village- Mangalwar, P.S. and Anchal- Bhargama, District- Araria.
10. Jahnavi Devi W/O Late Indra Mohan Pathak resident of Village- Mangalwar, P.S. and Anchal- Bhargama, District- Araria.
11. Nirmal Kumar Pathak son of Late Indra Mohan Pathak resident of Village- Mangalwar, P.S. and Anchal- Bhargama, District- Araria.
12. Shankar Kumar Pathak son of Late Indra Mohan Pathak resident of Village- Mangalwar, P.S. and Anchal- Bhargama, District- Araria.
13. Vidya Devi W/O Late Navin Pathak resident of Village- Mangalwar, P.S. and Anchal- Bhargama, District- Araria.
14. Sanjay Kumar Pathak son of Late Ambodar Pathak resident of Village- Mangalwar, P.S. and Anchal- Bhargama, District- Araria.
15. Rajeev Kumar Pathak son of Navin Pathak resident of Village- Mangalwar, P.S. and Anchal- Bhargama, District- Araria.
16. Nagendra Pathak son of Late Ambodar Pathak resident of Village- Mangalwar, P.S. and Anchal- Bhargama, District- Araria.
17. Vijay Pathak son of Late Ambodar Pathak resident of Village- Mangalwar, P.S. and Anchal- Bhargama, District- Araria.
18. Ajay Pathak son of Late Ambodar Pathak resident of Village- Mangalwar, P.S. and Anchal- Bhargama, District- Araria.
19. Ashok Kumar Pathak son of Late Satya Narayan Pathak resident of Village- Mangalwar, P.S. and Anchal- Bhargama, District- Araria.
20. Arun Kumar Pathak son of Late Satya Narayan Pathak resident of Village- Mangalwar, P.S. and Anchal- Bhargama, District- Araria.
21. Ashutosh Pathak son of Late Satya Narayan Pathak resident of Village- Mangalwar, P.S. and Anchal- Bhargama, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Collector, Araria, District- Araria.
3. The Additional Collector, Araria, District- Araria.
4. The Circle Officer, Bhargama, District- Araria.
5. Shubhankar Mishra S/O Late Satya Narayan Mishra resident of Village- Baijupatti, P.O.- Mangalwar (Chariya), Via- Chopra Ram Nagar, P.S.- Bhargama, District- Araria.



6. Moti Devi W/O Late Yogendra Mishra resident of Village- Baijupatti, P.O.- Mangalwar (Chariya), Via- Chopra Ram Nagar, P.S.- Bhargama, District- Araria.
7. Chandan Kumar Mishra S/O Late Yogendra Mishra resident of Village- Baijupatti, P.O.- Mangalwar (Chariya), Via- Chopra Ram Nagar, P.S.- Bhargama, District- Araria.
8. Suman Kumar Mishra S/O Late Yogendra Mishra resident of Village- Baijupatti, P.O.- Mangalwar (Chariya), Via- Chopra Ram Nagar, P.S.- Bhargama, District- Araria.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2263 of 2020

1. Shubhankar Mishra Son of Late Satya Narayan Mishra Resident of Village and P.O.- Mangalpur, Charaiya, P.S.- Bhargama, District- Araria.
2. Moti Devi Wife of Late Yogendra Mishra Resident of Village and P.O.- Mangalpur, Charaiya, P.S.- Bhargama, District- Araria.
3. Chandan Kumar Mishra Son of Late Yogendra Mishra Resident of Village and P.O.- Mangalpur, Charaiya, P.S.- Bhargama, District- Araria.
4. Suman Kumar Saurabh Son of Late Yogendra Mishra Resident of Village and P.O.- Mangalpur, Charaiya, P.S.- Bhargama, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Collector Araria.
4. The Additional Collector Araria.
5. The Deputy Collector Land Reforms, Forbesganj, District- Araria.
6. The Circle Officer Kumarkhand Anchal, P.S.- Bhargama, District- Araria.
7. The Collector Madhepura.
8. The Deputy Collector Land Reforms, Forbesganj, District- Madhepura.
9. The Circle Officer Kumarkhand Anchal, P.S.- Kumarkhand, District- Madhepura.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4998 of 2020

Dilip Kumar Verma S/o Late Baidya Nath Lal Das resident of Village- Mangalwar, P.S.- Bhargama, District- Araria.



... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Collector, Araria, District- Araria.
4. The Additional Collector, Araria, District- Araria.
5. The Circle Officer, Anchal and P.S.- Bhargama, District- Araria.
6. Shubhankar Mishra S/o Late Satya Narayan Mishra resident of Village- Mangalwar Charaiya, P.S.- Bhargama, District- Araria.
7. Moti Devi W/o Late Yogendra Mishra resident of Village- Mangalwar Charaiya, P.S.- Bhargama, District- Araria.
8. Chandan Kumar Mishra S/o Late Yogendra Mishra resident of Village- Mangalwar Charaiya, P.S.- Bhargama, District- Araria.
9. Suman Kumar Mishra S/o Late Yogendra Mishra resident of Village- Mangalwar Charaiya, P.S.- Bhargama, District- Araria.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6776 of 2020

1. Amar Nath Mishra son of late Ganesh Dutta Mishra resident of Village- Nawalganj Mainpur, P.O.- Mangalwar, Police Station- Bhargama, District- Araria.
2. Navin Kumar son of late Phul Kumar Mishra and grandson of late Bhudeo Mishra resident of Village- Nawalganj Mainpur, P.O.- Mangalwar, Police Station- Bhargama, District- Araria.
3. Basuki Nath Mishra son of Hira Nand Mishra alias Hira Mishra resident of Village- Nawalganj Mainpur, P.O.- Mangalwar, Police Station- Bhargama, District- Araria.
4. Badri Nath Mishra son of late Hira Nand Mishra alias Hira Mishra resident of Village- Nawalganj Mainpur, P.O.- Mangalwar, Police Station- Bhargama, District- Araria.
5. Mukesh Kumar Mishra son of late Anant Mishra resident of Village- Nawalganj Mainpur, P.O.- Mangalwar, Police Station- Bhargama, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. Collector, Araria.



3. Collector, Madhepura.
4. Additional Collector, Araria.
5. Additional Collector, Madhepura.
6. Circle Officer, Bhargama Anchal, District- Araria.
7. Circle Officer, Kumarkhand Anchal, District-Madhepura.
8. Shubhankar Mishra son of late Satya Narayan Mishra resident of Village- Baiju Patti, P.O.- Mangalwar, Police Station- Bhargama, District- Araria.
9. Chandan Kumar Mishra son of late Yogendra Mishra and Grandson of Deo Narayan Mishra resident of Village- Baiju Patti, P.O.- Mangalwar, Police Station- Bhargama, District- Araria.
10. Suman Kumar Mishra son of late Yogendra Mishra and Grandson of Deo Narayan Mishra resident of Village- Baiju Patti, P.O.- Mangalwar, Police Station- Bhargama, District- Araria.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 4651 of 2020)

For the Petitioners : Mr.Atul Kumar Pandey, Advocate

For the Respondents : Mr.Md. Khurshid Alam (AAG12)

(In Civil Writ Jurisdiction Case No. 1748 of 2020)

For the Petitioners : Mr.Murlidhar Mishra, Advocate

For the Respondents : Mr.Sajid Salim Khan (SC25)

(In Civil Writ Jurisdiction Case No. 2263 of 2020)

For the Petitioners : Mr.Navjot Yeshu, Advocate

For the Respondents : Mr.Raj Kishore Roy (GP18)

(In Civil Writ Jurisdiction Case No. 4998 of 2020)

For the Petitioners : Mr.Murlidhar Mishra, Advocate

For the Respondents : Mr.Md. Khurshid Alam (AAG12)

(In Civil Writ Jurisdiction Case No. 6776 of 2020)

For the Petitioners : Mr.Gyanand Roy, Advocate

For the Respondents : Mr.Dhurjati Kumar Prasad (GP15)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 11-07-2022

Civil Writ Jurisdiction Case No. 2263 of 2020

The claim of Shubhankar Mishra and others, writ petitioners is that the land of the co-sharers has been included in the land ceiling proceeding and therefore, this Court had directed for a proper hearing of the parties and thereafter an order was required to be passed by the Additional Collector,



Araria after considering the submissions of the petitioner.

By going through the petition filed by the petitioner Shubhankar Mishra as contained in Annexure-7 of the writ petition it appears that he has made a claim that land of his co-sharers has been included in the land ceiling proceeding as the land of the landholder. This fact has to be verified by the Additional Collector after hearing the petitioner Shubhankar Mishra.

Civil Writ Jurisdiction Case No. 1748 of 2020

It is stated at the Bar that petitioner no.5, namely, Baidhnath Pathak has died during the writ petition but no substitution petition has been filed.

It has been contended that though petitioner Nirgun Kumar Pathak and others have approached the Additional Collector, Araria in the ceiling proceeding initiated, pursuant to the order of this Court, but their interlocutory application was dismissed as they were not made parties and the order does not concern them and so their application has been rejected.

Civil Writ Jurisdiction Case No. 6776 of 2020

Petitioner Amar Nath Mishra and others have filed their interlocutory application before the Additional Collector and their applications have been dismissed saying that they were not



made parties in the High Court.

Civil Writ Jurisdiction Case No. 4651 of 2020

Petitioner Smt. Punam Jha @ Punam Devi and others have approached this Court claiming to be *Bataidars* who claimed to be in possession since 1980. They filed Title Suit Nos. 53 of 1993, 54 of 1993 and 55 of 1993 which were decided in favour of the landlord and that decree has not been challenged by the State and therefore, the decree has become final. They have submitted that their land cannot be included in the land ceiling case as that of landholder.

Civil Writ Jurisdiction Case No. 4998 of 2020

Petitioner Dilip Kumar Verma claims that he has purchased the land from one Yogendra Mishra and Deo Narayan Mishra who are co-sharers of Shubhankar Mishra whose land has not been included in the ceiling proceeding and his land was allowed to be retained by the landholder under the ceiling proceedings.

Considered the submissions of the parties.

So far as the claim of all the parties is concerned, all these writ petitions are allowed and the order dated 02.12.2019 passed by the Additional Collector, Land Reforms, Araria in Misc. Case No. 235 of 2015-16 is set aside with a direction to



him to hear the parties who have approached this Court and decide their claims in accordance with law at the earliest. If the claim of the petitioners is allowed by the Additional Collector, Araria then proper amendment shall be made in the notification dated 02/03.12.2019. The parties will file a detailed objection before the Additional Collector, Araria, who shall hear the parties and pass a fresh order in accordance with law.

During the pendency of these applications before the Additional Collector, Araria, possession of the petitioners shall not be disturbed and lands claimed by the petitioners shall not be distributed by the Additional Collector, Araria.

With the aforesaid observations and directions, these writ petitions are disposed of.

(Sandeep Kumar, J)

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