

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.615 of 2019

In
Civil Writ Jurisdiction Case No.20355 of 2016

-
-
1. Vishal Kumar Singh Son of Late Mritunjay Singh R/o Village-Jehanabad, P.S.-Kudra, District-Kaimur
 2. Shailesh Kumar Singh Son of Late Mritunjay Singh R/o Village-Jehanabad, P.S.-Kudra, District-Kaimur

... .. Appellant/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. The Additional Member Board of Revenue, Govt. of Bihar, Patna
3. The Collector Kaimur at Bhabhua
4. The Additional Collector Kaimur at Bhabhua
5. Circle Officer Kudra, Dist-Kaimur at Bhabhua
6. Sri Ramayan Paswan S/o Late Nauer Paswan R/o Village-Chilbili, P.S.-Kudra, Dist-Kaimur at Bhabhua

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prabhakar Singh
For the Respondent/s : Mr. Md.Khurshid Alam (AAG12)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 04-07-2022

Heard Mr. Devendra Kumar Singh, learned counsel
for the appellants, Mr. Arun Kumar Bhagat, for the State and
Mr. Vishwajeet Pandey, for Private Respondent No. 6, who is
said to be the *Purcha* holder.



A Land Ceiling Case was initiated in the year 1973-74 (L.C. Case No. 43 of 1973-74) against the land owner under the *Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961*. In the aforesaid proceeding, 27.02 acres of Class-II land held by the landlord was found to be surplus by the Additional Collector. The Collector, in Ceiling Appeal No. 05 of 1989, found that wrongly one major unit and three additional units were not given to the land holders and thus the order of the Additional Collector, referred to above, was modified by giving additional major and other units to the land holders.

This order of the Collector was challenged before the Board of Revenue in revision *viz* Ceiling Revision Case No. 226 of 1989, which was not interfered with and the Board dismissed the aforesaid Revision Petition on 15.10.1993.

The learned Single Judge, while deciding the issue, has found that nearly 13 years after the passing of the order in revision, a writ petition was filed *vide* C.W.J.C. No. 7407 of 2006, wherein a direction was given for transferring of the records of the case to the Bihar Land Tribunal.



During the pendency of the aforesaid proceeding before the Tribunal, there was a major amendment in Bihar Ceiling Act by which Section 45-B was repealed and Section 45-D was inserted, through which all matters pertaining to such operations were directed to abate. As mandatorily required, the Tribunal disposed off the matter, as having abated.

Mr. Singh, learned Advocate for the appellants submits that this led to the revival of the case of the appellants, who again approached this Court *vide* C.W.J.C. No. 20355 of 2016.

The learned Single Judge, noting that after the order passed by the Additional Member, Board of Revenue in the year 1993, the appellants had challenged such order only in the year 2006, i.e., after thirteen long years. It was also noted by the learned Single Judge that the *Purcha* holder, namely, Private Respondent No. 6, who today claims that he has yet not been handed over the land for the reason of pendency of the proceeding, reflects that the provisions under the Act are not being carried out by the authorities within the timeline fixed



and the unnecessary delay in such execution has only led to disillusionment of such *Purcha* holders.

The learned Single Judge was absolutely correct in finding that the allotment of *Purcha* to Private Respondent No. 6 which was wrongly not executed and delivered to him only for the reason of pendency of this proceeding, was not challenged before any forum.

The learned Single Judge has rightly referred to various decisions of the Hon'ble Supreme Court to justify that any belated claim, without any cogent explanation, ought not to be entertained by the Courts exercising writ jurisdiction.

We are in agreement with the decision of the learned Single Judge.

For practical purposes also, we find that no good purpose would be served in entertaining the aforesaid appeal and we are also persuaded to direct that the *Purcha* issued in favor of private respondent be made effective and the land in question be given to him.

Since there is no merit in this appeal, we are left with no option but to dismiss the same.



The appeal is dismissed.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

skm/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07.07.2022
Transmission Date	N/A

