

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3638 of 2017

Binod Paswan Son of Late Raghunath Paswan, Resident of Village- Beloun,
P.O.- Bhatwan, P.S.- Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The District Collector, Samastipur.
4. The Sub-Division Magistrate, Rosra, Samastipur.
5. The Circle Officer, Hasanpur, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sheel Bhadra Jha
For the Respondent/s : Mr. Md. Khurshid Alam- Aag12

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 12-01-2023 The claim of the petitioner is that *Parcha* in favour of the petitioner has been issued by the Collector, Samastipur pertaining to land situated at Thana No.- 275, Mauza- Beloun, Khata No. 21, 40, 51 old, Khesra No. 62, 52, 567 old, measuring an area of 0.74 decimal situated in village- Bhatwan, P.S.- Hasanpur, District – Samastipur in *Parcha* Case No. 01 of 1998-99. The claim of the petitioner is that pursuant to *Parcha* issued for the subject land, actual physical possession has not been given to him. Accordingly, he has approached this Court for a direction to the respondent authorities to give actual physical possession to the petitioner.

Learned counsel for the State referring to the counter affidavit filed on behalf of the respondent nos. 3 to 5 submits



that the land holder / Jagat Maya Devi has approached this Court in C.W.J.C. No. 8060 / 2005 against the order declaring her land as surplus under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 and this Court directed the land holder - Jagatmaya Devi to file Ceiling Appeal before the Collector, Darbhanga and in pursuance thereto Ceiling Appeal No. 50 / 1997-98 has been filed by the land holder which is still pending.

In view of the submissions made by learned counsel for the State and taking into consideration the fact that the Ceiling Appeal filed by land holder is still pending before the Additional Collector, Darbhanga, no order can be passed in favour of the petitioner directing the Collector, Samastipur to hand over physical possession of the land to the petitioner.

If the petitioner is so advised, he may intervene in the Ceiling Appeal filed by the land holder before the Additional Collector, Darbhanga.

Accordingly, this writ application stands disposed of.

(Anil Kumar Sinha, J)

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