

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6297 of 2018

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Nand Kumari Devi W/o Sri Sushil Prasad Thakur, Resident of Village-
Rajapa, Police Station- Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, New Secretariat, Patna
2. The Collector, Darbhanga.
3. The Deputy Collector Land Reforms, Darbhanga.
4. Sub-Divisional Officer, Sadar, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar, Advocate
		Mr. Alok Kumar @ Alok Kumar Shahi, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 29-08-2023

Learned counsel for the petitioner and learned
counsel for the State are present.

2. The present writ petition has been filed for seeking direction to the respondents to re-open the Ceiling Case No. 02 of 1996-1997 which has been concluded in the district of Darbhanga and also for issuance of writ of mandamus directing the respondents not to distribute the land belonging to the petitioner which has been purchased by the petitioner without initiating any proceeding under the Bihar Land Reforms (Fixation of Ceiling Area) Act and without any notice to the petitioner.

3. Learned counsel for the petitioner submits that the land in question has been purchased by the petitioner from the person against whom the Ceiling Case No. 2 of 1996-97 was initiated and ex-parte order has been passed. Counsel further submits that it is the persons in whose favour the Government has granted *parcha* under Section 27 of the Ceiling Act are creating disturbances to the petitioner. The contention of the petitioner is that the land purchased by the petitioner is not the subject matter of the ceiling proceeding and therefore, creating disturbances. Counsel also submits that land which is subject sale deed in favour of the petitioner has also not been allotted to any *parchadhari* but unfortunately her land was surrounded around the lands allotted to *parchadhari* and they are creating disturbances.

4. Learned counsel for the State submits that the contention of petitioner is not correct. According to counsel for the State, the land about which the petitioner is claiming, is subject to the ceiling proceeding and declared surplus.

5. The controversies between the parties can be resolved only upon going through the notifications showing the ceiling surplus land made by the Government but the said notification has neither placed by the petitioner nor placed by

the counsel for the State before this Court and in this view of the matter, this Court is not passing any order on merit or demerit of the case and disposing of this writ petition with liberty to the petitioner to avail the remedy before appropriate forum raising her claim, so that the persons who are creating disturbances to the petitioner may be restrained.

6. With the aforesaid observation and direction, the present writ petition stands disposed off.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	NAFR
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