

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 393 of 2017

Subodh Choudhary Son of late Surya Narayan Choudhary Resident of Village Kathotia, Police Station- Krityanand Nagar, District- Purnia.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Purnia.
3. The Deputy Collector Land Reforms, Sadar within the District of Purnia.
4. The Anchal Adhikari , K. Nagar Anchal within the District of Purnia.
5. Jogendra Roy Son of late Ramautar Roy
6. Arun Roy Son of late Ramautar Roy
7. Nirmal Roy Son of late Ramautar Roy
8. Chandan Roy Son of late Ramautar Roy
9. Ashok Roy Son of late Ramautar Roy
10. Kanahiya Roy Son of late Ramautar Roy
11. Birbal Roy Son of late Basudeo Roy
12. Bikka Roy Son of late Basudeo Roy
13. Pinku Roy Son of late Jagdish Roy
14. Naryan Mandal Son of late Budhan Mandal
15. Yogendra Mandal Son of late Budhan Mandal null
16. Yogi Mandal Son of late Ramsati Mandal
17. Sant Lal Sharma Son of late Katku Sharma null
18. Shyam Rishideo Son of late Rajendra Rishideo
19. Vidyanand Rishideo Son of Sahdeo Rishideo No. 5 to 19 are residents of Village Baniapatti Bhokraha Police Station Kriytanand Nagar District Purnia.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar Choudhry, Adv
For the Respondent/s	:	Mr.Rishi Raj Sinha- SC19
		Mr. Birendra Prasad Singh, AC to SC 19

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 25-09-2023 Heard learned counsel for the petitioner and learned
counsel for the State.



2. Counsel for the petitioner submits that his land was subject to acquisition and he filed miscellaneous petition in the said case which was recorded as Miscellaneous Ceiling Case No. 08 of 2011 under Section 47 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act 1961 which has not been disposed of since long.

3. Counsel for the petitioner specifically submits that the said miscellaneous case was filed for correction in the Notification No. 2386 dated 14.06.1985 published in district of Purnia in extra ordinary Gazette vide issue No. 32 dated 29.06.1985.

4. Counsel submits that the final publication under section 11(1) of the said Act has been made but due to clerical mistake some land has been wrongly included and declared vide Notification No. 2386 dated 14.06.1985 which is required to be corrected.

5. Counsel further submits that land ceiling was started against the petitioner/(his family) bearing Land Ceiling Case No. 2078/43 of 1973-74.

6. He submits that in the family partition, land in question has fallen in the share of the petitioner and he is coming in the *khas* possession of the same.



7. The State Government has also accepted rent and granted rent receipt in 2005. In the year 2009, the petitioner went to the office of the Circle Officer for depositing the rent but office has refused to receive the rent and informed that red card has already been issued to the private respondent.

8. Counsel submits that in the year 2011 when the private respondent red card holder tried to take forceful possession of the land in question, then the petitioner filed a petition under section 47 of the said Act which was registered as Miscellaneous Ceiling case No. 08 of 2011 for correction in the above said notification.

9. Counsel submits that the said clerical mistake which has been occurred at the level of ceiling case can be removed at the same level, therefore, he has filed this writ petition.

10. Counsel for the State submits that in the Miscellaneous Ceiling Case No. 08 of 2011, intervener has appeared and filed a reply. Thereafter, the petitioner was directed to file a reply to the objections filed by the intervener but till date the petitioner did not file the same.

11. Counsel for State further submits that as soon as the petitioner shall file reply to the objections filed by the



intervener and the competent authority shall pass the final order in this regard.

12. Counsel further submits that order sheet of Miscellaneous Case No. 08 of 2011 has been filed as Annexure-A to the Counter Affidavit in which vide order dated 24.09.2019, it has been mentioned that original records are not available.

13. In this background, this application is disposed of directing the petitioner to appear before the Miscellaneous Ceiling Case No. 08 of 2011 and file reply. Thereupon, the Collector, Purnea is directed to pass order in Miscellaneous Ceiling Case No. 08 of 2011 after going through the original records and in case the original records are not available then he shall consider the documents available before the petitioner and available in the other revenue offices within six months from the date of production of this order.

14. With the aforesaid observation and direction, this application is disposed of.

(Dr. Anshuman, J)

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