

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17689 of 2018

Subhash Kumar @ Subhash Mahto, Son of Harihar Mahto, Resident of Village-Manihyawar, Thana No. 126, P.S.-Anchal- Paraia, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue Department, Govt. of Bihar, Patna.
2. The Deputy Collector, Land Reforms, Tikari, Gaya, District- Gaya.
3. The Chairman, Bihar Bhoodan Yagna Committee, Gardnibagh, Patna-2.
4. The District Bhoodan Yagna Committee Office, Collectorate, Gaya, District- Gaya.
5. The Incharge Office, Mantri, District Bhoodan Yagna Committee, Gaya, District-Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
For the State	:	Mr. Rishi Raj Sinha, SC-19
		Mr. Saurabh Kumar, A.C to S.C-19
For the Respondent/s	:	Ms. Alka Verma, Advocate
		Mr. Pravashankar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

9 20-02-2023 Heard learned counsel for the petitioner, learned counsel for the Bihar Bhoodan Yagna Committee and learned counsel for the State.

Pursuant to the order of this Court, the Deputy Collector, Land Reforms, Tikari, District-Gaya (respondent no.2) is present in Court along with the original records of Bhoodan Yagna Act Case no. 1 of 2013.

It is the case of the petitioner that the disputed land appertaining to Khata no. 316, plot no. 01 measuring an area of 1.5 acres situated in Mauza Majhiyawar, P.S. Paraia, District-



Gaya, was settled with the petitioner under section 14 of the Bihar Bhoodan Yagna Act, 1954 because the petitioner was landless person. The petitioner constructed a house on the land in question. The petitioner was taken by surprise on learning about an order dated 20.12.2013 having been passed in Bhoodan Yagna Act Case no. 1 of 2013 by the respondent no.2 canceling the allotment with respect to the said land in favour of the petitioner.

It is the case of the petitioner that the order impugned dated 20.12.2013 has been passed by respondent no.2 in the above case without any service of notice on the petitioner.

The respondent no.2 is present in the Court along with the original records. It is submitted that notices were issued to the petitioner in the case in question by speed-post and as neither any report was received, the service of notice was deemed to be valid service in view of the relevant provisions of the Civil Procedure Code.

At this stage, it is submitted by learned counsel appearing for the Bihar Bhoodan Yagna Committee that the petitioner is not a landless person and as such is not entitled for any relief in the instant application.

Having heard learned counsel for the parties and



having perused the material on record as also the original records of the Bhoodan Yagna Act Case no.1 of 2013, the Court finds that it is not in dispute that there is no report with respect to valid service of notice on the petitioner. As such without entering into the merits of the respective case of the parties, only on this ground alone the order dated 20.12.2013 is set aside.

The petitioner is directed to present himself before the respondent no.2 (D.C.L.R, Tikari, District- Gaya) on 15.3.2023 at 11 A.M. The petitioner will be provided copies of all the records of the case on which the authority (respondent no.2) intends to rely/proceed and a next date for final hearing of the case will be fixed.

The petitioner as also the respondent Bihar Bhoodan Yagna Committee will be at liberty to file their affidavits along with supporting documents before the respondent no.2 who shall decide the case in accordance with law at the earliest preferably within a period of four weeks.

The application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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