

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16592 of 2018

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1. Chanddra Kishore Ram son of Late Turanti Ram, resident of Village-Balaitha, Police Station-Beldour, District-Khagaria.
 2. Raghuvir Ram Son of late Ramroop Mochi.
 3. Suresh Ram son of late Ishwar Ram.
 4. Sukhdeo Ram Son of late Saryug Ram.
 5. Sanjay Ram Son of late Jugeshwar Ram.
 6. Rajesh Kumar Ram Son of late Wakil Ram.
 7. Ram Chandra Ram Son of late Budho Ram.
 8. Rajesh Ram Son of late Shiv Ram.
 9. Damodar Ram Son of late Kamo Ram@ Kameshwar Ram.
 10. Sudin Ram Son of late Mahadeo Ram All Resident of Village- Balaitha, Police Station- Beldour, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary cum Commissioner, Revenue and Land Reforms, Government of Bihar, Patna.
2. The District Magistrate Cum Second Appellate Authority, Public Grievance Redressal Officer, Khagaria.
3. The Additional Collector, Public Grievance Redressal Officer Cum First Appellate Authority, Khagaria.
4. The Sub Divisional Public Grievance Redressal Officer, Gogri, District-Khagaria.
5. The Circle Officer, Beldour, P.S. Beldour, District- Khagaria.
6. Awadhesh Kumar Singh son of Late Narayan Pd. Singh, resident of Village-Balaitha, P.O.-Gharhi, P.S.-Beldaur, District-Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Brajesh Kumar Singh, Adv.
For the Respondent/s	:	Mr. Mukul Prasad, AC to GP-18
For the Respondent no.6:	:	Mr. Ram Bibash Pd., Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 27-07-2023

Counsel for the petitioners, counsel for the private
respondent no.6 and counsel for the State are present.

2. The present writ petition has been filed for quashing the order dated 08.05.2017 passed by the Respondent no. 2 i.e. the District Magistrate-cum-Second Appellate Authority, Public Grievance Redressal Officer, Khagaria, whereby the *Jamabandi* of the land obtained by the petitioners through *Purcha* has been ordered to be cancelled.

3. Counsel for the State submits that no relief can be granted to the petitioners by way of filing the writ petition as the order under challenge is under the Bihar *Lok Shikayat Nivaran Adhiniyam* (Public Grievance Redressal Act) and the District Magistrate-cum-Second Appellate Authority, Public Grievance Redressal Officer has provided the entire information gathered during hearing related to the case of this petition that on the basis of available facts, petitioners have taken the steps in accordance with law, which does not require any interference.

4. Counsel for the respondent no.6 submits that a ceiling proceeding was initiated under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 [Bihar Act 12 of 1962] against the ancestors of the private respondent no.6 in which land of petitioners was declared surplus, which was related to the petitioners in the year 1974-75. Subsequently, in the Ceiling Case No.319 of 1974-75 and Land

Ceiling Case No.79 of 1976-77 the land of Khesra No.184, 184/1119, 183 and Khesra No. 185, total area of 9.08 Acre land was released from the Ceiling. He also submits that the beneficiary-cum-petitioners were never in possession of the said land and this aspect has also been acknowledged in the order passed by the District Magistrate-cum-Second Appellate Authority, Public Grievance Redressal Officer, Khagaria.

5. In light of findings acknowledged in the order under challenge, this Court has nothing to say, but the steps taken by the Authority to refer the matter for cancellation of *Parcha* in compliance of the order in which the allotted land which was in favour of private respondent no.7 is correct until not challenged further.

6. After going through such pleadings, it transpires to this Court that for about 40 years land receipts were issued to the petitioners by the State for the land which was subsequently released under law and the said *Parcha* became useless.

7. In this view of the matter, this Court directs the District Magistrate-cum-Collector, Khagaria to initiate the petitioners' case afresh for allotment of fresh land as per the present law which are within the district in which petitioners are residing upon filing of the fresh representation/s by the

petitioners and shall consider all the criterion afresh, and will decide their representation within 8 months from the date of filling of the fresh representation. It is also made clear that the process shall be initiated by the District Magistrate-cum-Collector, Khagaria only upon the availability of the land within the District.

8. With the aforesaid direction, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2023
Transmission Date	NA