

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4283 of 2016

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Shambhu Prasad Kumar son of Late Dinesh Prasad Kumar, Resident of
Village- Dhruvganj, P.S.- Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Madhepura
3. The Additional Collector, Madhepura
4. The Sub-Divisional Officer, Udakishunganj, District- Madhepura
5. The Deputy Collector, Land Reforms, Udakishunganj, District- Madhepura
6. The Circle Officer, Bihariganj Anchal, P.S.- Bihariganj, District- Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Respondent/s : Mr. Din Bandhu Singh- Gp9

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioner and the

State

2. This writ petition has been filed for issuance of an appropriate writ commanding the respondents to create the jamabandi of Scyhedule-KH land which has been allotted in favour of petitioner's father on 27.11.13 by Additional Collector, Madhepura (Respondent No. 3) in Misc. Ceiling Case No. 01/2001-02 under section15(1) of the Ceiling Act contained in Annexure-2 for which a District Gazette Notification has also been published on 06.12.13.

3 . It is contention of the petitioner that the Land



Ceiling Case No. 102/1982-83, a draft publication was made under section 10(2) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act 1961, (hereinafter referred as the Ceiling Act) and thereafter the petitioner's father filed his objection under section 10(3) of the Ceiling Act and the said objection petition of petitioner's father was heard by learned Additional Collector, Madhepura who rejected the objection raised by petitioner's father by order dated 30.11.84, thereafter the petitioner's father preferred an appeal against the said order dated 30.11.84 before the Collector, Madhepura who had been pleased to set aside the said writ petition which was allowed by a Division Bench of this Hon'ble Court on 15.04.1992 interalia directing the Member, Board of Revenue to re-consider the case of the petitioner afresh on merit. Thereafter, the matter went before the Member, Board of Revenue who by an order dated 18.09.1992 instead of considering the case of the petitioner's father afresh on merit, limited his consideration only on the question of ground of separate unit of Bimla Devi and did not interfere with any other questions raised in the proceeding. Again petitioner's father moved before this Hon'ble Court in C.W.J.C. No. 9948/92 against the order dt. 18.09.92 of Board of Revenue and this



Hon'ble Court had been pleased to allow the writ petition on 19.09.1995 and remanded the case to the Member, Board of Revenue for fresh consideration. Pursuant of the said order dated 03.12.97 (Annexure-1) the Additional Collector, Madhepura by D.B. No. 102 dated 27.11.13 allotted 23.85 acres of land in the name of petitioner's father at Mauja Gamail, Anchal- Udakishunganj, District Madhepura which is mentioned in Schedule -KH and a District Gazette notification has also been published for the said land on 06.12.13. The said Gazette Notification dated 06.12.13 the Circle Officer, Bihariganj vide Letter No. 159/2 dated 08.04.15 requested the S.D.O. Udakishunganj to cancel the parcha in view of C.W.J.C. No. 11295/96 and District Gazette Notification 2013. He next submits that the petitioner's father, Dinesh Prasad Kumar died in the year 2015 leaving behind his only son namely petitioner and after his death the petitioner filed application before District Magistrate, Madhepura, Sub-divisional Officer Udakishunganj, Deputy Collector, Land Reforms, Udakishunganj and Circle Officer, Bihariganj on 07.07.15 for creation of Jamabandi in his name of Schedule-KH land published in District Gazette Notification . Despite applications filed before concerned authorities of the district, no action has been taken by them for



creation of jamabandi and lastly on 10.09.15 the petitioner filed an application before District Magistrate, Madhepura in Janta Darbar for creation of jamabandi in his name of Schedule-KH land published in District Gazette Notification 2013.

3 . Considering the facts and circumstances of the case , this writ petition is disposed of with the liberty to the petitioner to file a fresh representation before The Circle Officer, Bihariganj Anchal, P.S.- Bihariganj, District- Madhepura (respondent No. 6) along with all the relevant documents in support of the claim, within a period of six weeks from the date of receipt of this order.

4. In the event, such representation is filed before respondent No. 6 (The Circle Officer, Bihariganj Anchal, P.S.- Bihariganj, District- Madhepura), the same shall be disposed of in accordance with law after hearing all the parties preferably within a further period of six months from the date of receipt of the representation .

(Prabhat Kumar Singh, J)

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