

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12964 of 2015

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Birendra Thakur son of Sita Ram Thakur a resident of village Bhaluahi, P.S.-
Udakishunganj, Dist.- Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Madhepura
3. Sub Divisional Officer Udakishunganj Dist. Madhepura
4. Deputy Collector Land Reforms, Udakishunganj
5. Circle Officer, Udakishunganj
6. Madan Rishideo S/o Sukan Rishideo
7. Domi Ram S/o Bishanu Ram Both are resident of village Bhaluahi P.S.-
Udakishunganj, District- Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kamal Kishore Singh, Adv.
	:	Mr. Anil Kumar, Adv.
For the Respondent/s	:	Mr. Zaki Haider, AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed by the petitioner for seeking direction to the respondents to protect the petitioner on the spot over the land for which the *parwana* has been issued to the petitioner in the year 1991.

3. Counsel for the petitioner submits that the land allotted to him, is a ceiling surplus land and *parwana* for the said land has been allotted to the petitioner on 29.03.1991. The land has been provided to the petitioner upon acquisition of the land by the State Government under Section 15 of the Bihar

land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (hereinafter referred to as 'the Act of 1961). The counter-affidavit has been filed in the said case and the State has taken the stand that the Gazette Notification by virtue of which the land in question were declared surplus under Section 15 of the Act of 1961, has been set aside by the order dated 10.01.1996 passed by this Hon'ble Court in case of Dhrub Prasad Singh @ Dhrub Kumar Singh and Ors. Vs. State of Bihar and Ors. in C.W.J.C. No. 6316 of 1993.

4. Upon perusal of the said order which is Annexure-R3/B, the conclusive part of the order states as follows:-

8. In that view of the matter, the impugned order at Annexure-1 is set aside and quashed. The Gazette Notification dated 19th August, 1990, which is Annexure-8 to this writ petition, is revived and restored and the respondents are restrained from acting on the basis of the previous Gazette Notification dated 29th June, 1976 (Annexure-9).

9. Even large number of private parties have been made respondents to this writ petition but nobody appeared on their behalf nor any

counter-affidavit has been filed on their behalf.

10. In that view of the matter, all the consequential steps taken upon issuance of the impugned order (Annexure-1) are hereby quashed and the parchas, if any issued, pursuant authority are directed not to interfere with the possession of the petitioners over the lands covered under Gazette Notification 19th August, 1990 (Annexure-8).

11. Even though the petitioners have prayed for grant of compensation in this writ petition but this court thinks that this is not a fit case in which any order for grant of compensation can be passed in the facts and circumstances of the case. The petitioners are at liberty to file appropriate proceedings, if they are so advised for realising their compensation, if any, from the concerned parties.

12. This writ petition is allowed accordingly to the extent indicated above. There will be no order as to cost.

5. In the light of the submission made by the parties

and after going through the pleadings particularly, from the order of this Hon'ble Court that the Annexure-1 of the writ has been quashed and the Gazette Notification issued under the Act of 1961 dated 19th August, 1990 is revived and restored. It has also been directed that *parcha*, if any, issued pursuant to the authority is directed not to interfere in the possession of the landlords over the lands covered under Gazette Notification dated 19th August, 1990.

6. In this view of the matter, this court finds no merit in this case particularly, when the adjudication has already been made by this Court in the year 1996 itself.

7. Counsel for the petitioner submits that petitioner is completely unaware about the said decision and he become aware about the decision of 1996 only after receiving the counter-affidavit in this case.

8. Accordingly, this writ petition is hereby dismissed with liberty to the petitioner that he may avail remedy available under law.

(Dr. Anshuman, J.)

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