

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11987 of 2015

1. Ram Babu Yadav Son of Uddilal Yadav,
2. Shyam Babu @ Shayam Babu Yadav, Son of Uddilal Yadav, Both are Resident of village- Ber Dharshyam, Tola- Lakshminiya, P.S.- Kusheshwar Asthan, District- Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Darbhanga
3. The sub-Divisional Officer, Biraul, P.S.- Biraul, District- Darbhanga
4. The Circle officer, Kusheshwar Asthan, P.S.- Kusheshwar Ashtan, District- Darbhanga

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jagdish Prasad Singh, Adv.
For the Respondent/s	:	Mr. Sarvesh Kr. Singh, AAG-13
	:	Ms. Sunita Kumari, AC to AAG-13

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. Counsel for the petitioners submits that they are purchaser of the land in dispute through registered sale deed dated 15.12.1965 and Jamabandi has been created in their name and after purchase, they are continuously in possession of the land in question.

3. Counsel for the petitioners submits that the respondents Circle Officer, Halka Karamchari, Amin and two Constables reached on the said plot and started threatening to

the petitioners to vacate the land forcefully. Counsel submits that after filing of the present writ petition, the counter-affidavit has come in this case in which the stand of the respondents has come that the aforesaid land appertaining to Khata No.- 1600, 1601 and 1605 have been donated by Janki Raman Mishra and Ram Nandan Mishra to the Bhoodan Yagna Committee, Darbhanga which has been confirmed vide order dated 07.12.1967 passed in Bhoodan Case No.- 1063 of 1963-64. In the counter-affidavit, the stand taken by the State that if petitioners are aggrieved then in that case, they may avail statutory remedy under Section 17 of the Bhoodan Yagna Act, 1954 [Bihar Act 22 of 1954].

4. In response of the same, counsel for the petitioners submits that Section 21 and Section 21(A) are the specific provisions under the Bihar Bhoodan Yagna Act, 1954 which clearly explains the ejectment of persons in unlawful possession of lands and procedure of ejectment has also been laid down in the law.

5. As such, the petitioners are in the possession of the land by virtue of Registered sale deed of 1965, whereas the said land was alleged to be donated by the land owner by virtue of District Bhoodan Yagan Committee Case No.- 1063 of 1963-64

vide its order dated 07.12.1967.

6. In this background, this Court is of the view that respondent authorities should have to take the procedure established in law for the ejectment of petitioners in unlawful possession over the land which is laid down under Section 22 and Section 22(A) of the Bihar Bhoodan Yagna Act, 1954 (Bihar Act 22 of 1954). As such, the respondents are restrained from disturbing the petitioners without following the due procedure.

7. With the aforesaid direction, the present writ application is hereby disposed of.

(Dr. Anshuman, J.)

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