

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11988 of 2015

1. Rameshwar Yadav Son of Late Anup Yadav
2. Shobhakant Yadav Son of Rameshwar Yadav
3. Hareram Yadav Son of Rameshwar Yadav
4. Nirmala Devi wife of Hareram Yadav
5. Jaimala Devi wife of Shobhakant Yadav
6. Ashok Yadav Son of Rameshwar Yadav All are Resident of village- Ber Dharshyam, Tola Lakshminiyan, P.S.- Kusheshwar Ashtan, 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 Ashtan, P.S.- Kusheshwar Ashtan, District- Darbhanga

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jagdish Prasad Singh, Adv.
For the Respondent/s	:	Mr. Ajay Behari Sinha, GA-8
	:	Mr. Upendra Kumar Singh, AC to GA-8

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. Learned counsel for the petitioners submits that the land in dispute was purchased by them through eight different sale deeds on 22.04.2004, 31.12.2005, 18.02.2006 and till then the petitioners are coming in possession over of the said land. The name of the petitioners' vendor were recorded in the R.S. Khatiyani. Subsequently, the petitioners received information to

the effect that the land which they have purchased is subject to Bhoodan Yagna Committee to whom the respondent State wants to adjudicate without following the due process. Thereafter, the petitioners filed representation before the Circle Officer, Kusheshwar Ashtan for not disturbing their possession.

3. Counsel for the State submits that a counter-affidavit has been filed in this case wherein it has been clearly stated that all the lands mentioned in the petition belong to Bhoodan Yagna Committee land and the petitioners are in the illegal possession of the said land and dispossessed the parchadhari in whose favour the land were allotted.

4. In law, particularly, Section 22 and Section 22(A) of the Bihar Bhoodan Yagna Act, 1954 [Bihar Act 22 of 1954] clearly explains the provisions relating to ejectment of persons in unlawful possession of lands. In this background, the State is free to take action for ejectment of the petitioners in the unlawful possession of the land, but not in arbitrary manner.

5. At this juncture, this Court directs the respondents not to disturb the petitioners' possession over the land in question. However, the State is at liberty to take action for ejectment in view of the provisions as laid down under Section 22 and Section 22(A) of Bihar Bhoodan Yagna Act, 1954.

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

(Dr. Anshuman, J.)

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