

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1456 of 2018

In
Civil Writ Jurisdiction Case No.5010 of 2006

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- 1.1. Most. Janki Devi, Widow of Late Rang Bahadur Singh, Resident of Village - Keshopur, Police Station - Mohania, District - Kaimur (Bhabua).
1.2. Pramod Singh, Son of Late Rang Bahadur Singh, Resident of Village - Keshopur, Police Station - Mohania, District - Kaimur (Bhabua).

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Additional Member of Board of Revenue, Bihar at Patna.
3. The Collector, Kaimur at Bhabua.
4. The Additional Collector, Kaimur at Bhabua.
5. The Member of Board of Revenue, Bihar at Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Garg, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-08-2023

The original writ petitioner Rang Bahadur Singh filed the writ petition alleging that 19.41 acres, which devolved upon him on the death of his adoptive father had also been included in the lands belonging to the biological father of the original petitioner and declared surplus.

2. The original petitioner had taken up proceedings under the Land Reforms (Fixation of Ceiling Area and



Acquisition of Surplus Lands) Act, 1961. There was more than one remand after which the Additional Collector who considered the question, rejected his claim of adoption, which was confirmed throughout in the further proceedings up to the Board of Revenue. Writ petition filed against the said orders also were rejected by the impugned judgment.

3. The learned Single Judge found that the fact finding authorities have concurrently held that the writ petitioner's adoption was not established before the authorities. The deed of adoption did not contain the signatures of the biological parents; indicating consent and there were also interpolations in the deed. It was found that the adoption was not one valid under the Hindu Adoptions and Maintenance Act, 1956. The learned Single Judge also found that the surplus lands taken over from the biological father of the original petitioner were distributed among the landless and there was none impleaded as being in possession of the lands on which the original petitioner claimed title.

4. The order of the Board of Revenue produced along with the writ petition as Annexure-9 details, the case history. After multiple remands, the Additional Collector passed orders on LC Case No.52 of 1984. The Additional Collector held that



Sections 9 and 11 of the Hindu Adoptions & Maintenance Act, 1956 were not adhered to. As per Section 16, for acceptance of a registered deed of adoption, the natural parents should put their signatures on the same and record their consent. The registered deed dated 13.08.1966 produced, was also found to have overwriting on it and did not disclose any consent or signature of the biological parents. The age of the adopted son was also not mentioned in the deed and the alleged rent receipts issued in the year 1971 bears the name of two persons, in the column of father of the owner, i.e. Ramdin Singh and Rambriksha Singh; the first of whom was alleged to be the adoptive father and the second, admitted to be the biological father. The Board of Revenue also held that adoption alleged to be carried out on 13.08.1966 was not proper. Though there was no requirement under the Hindu and Maintenance Act for an adoption to be registered, however, the deed produced did not have the necessary requirements which alone would make the adoption a valid one. While dismissing the appeal, the Board of Revenue again left liberty to the original petitioner to raise objections along with documentary evidence before the Collector. The Court of the Collector by order dated 31.5.2005 again rejected the claim finding that the original petitioner was unable to prove



his adoption and the deed of adoption produced was void as having been brought into existence clearly against the provision of the Hindu Adoption and Maintenance Act. The attempt was alleged to be one intended to get over the provisions of the Ceiling Act. The alleged adoption was also claimed only to distance himself from his biological father and thus put up an independent claim of title on the property, to absolve it from the ceiling proceedings.

5. We also notice that the original writ petitioner, in the writ petition or in the appeal nor even in the proceedings before the lower authorities, impleaded the persons in actual possession of the land.

6. We perfectly agree with the learned Single Judge and reject the appeal.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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