

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2494 of 2023

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Ram Chander Yadav Son of Late Rasik Lal Yadav, Resident of Village- Ward
No. 07, Rasarh, Police Station- Banmankhi, District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department of Government of Bihar, Patna.
2. The Sub Divisional Officer, Araria.
3. The Circle Officer, Raniganj.
4. The Circle Inspector, Raniganj.
5. Phulchania Devi Daughter of Late Darpi Yadav, Wife of Laxmi Yadav, Resident of Satber, Police Station- Raniganj, District- Araria.
6. Tetri Devi Wife of Narayan Yadav, Resident of Satber, Police Station- Raniganj, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Kumari Ritambhara, Adv.
For the Respondent/s : Mr. Raj Kishore Roy, GP-18.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 11-07-2023

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The present writ petition has been filed by the petitioner to quash the order dated 14.07.2022 passed by Chairman, Bihar Land Tribunal, Patna in B.L.T. Case No.345 of 2019 whereby and where under the order dated 03.08.2018 passed by Sub Divisional Officer, Araria in Appeal Case No.21 of 2017-18 and order dated 17.07.1995 passed by Circle Officer, Raniganj in Case No.62 of 1994-95 have been quashed.



3. Learned counsel for the petitioner submits that the father of petitioner was Sikmidar of the land in dispute situated in Mauza-Gopalpur, Thana No.145, R.S. Khata No.96/68 and of 97/70, Khesra No.829, 1809, 830, 1808 & 831 having total area of 0.95 decimals of land. He further submits that accordingly the R.S. Khata was prepared in the name of petitioner in revisional survey in the year 1956. Learned counsel for the petitioner submits that in the order passed by Bihar Land Tribunal, Patna, an observation has come that the norms of law as laid down under Section 48(D) of the Bihar Tenancy Act, 1885 (Act 8 of 1885), the Circle Officer, Raniganj has not follows the law of the land and only on this ground the Sub Divisional Officer, Araria has set-aside the order passed by Circle Officer, Raniganj in Appeal Case No.21 of 2017-18, as such the order passed by Sub Divisional Officer, Araria setting aside the order of Circle Officer, Raniganj has been approved by the Bihar Land Tribunal.

4. Learned counsel for the State submits that the finding of the Bihar Land Tribunal that the ingredient of Section 48(D) of the Bihar Tenancy Act, 1885 (Act 8 of 1885) has not been found in the proceeding and, as such, the order dated 03.08.2018 passed by Sub Divisional Officer, Araria in Appeal



Case No.21 of 2017-18 has been approved and Bihar Land Tribunal has rejected the application filed by the petitioner which is quite legal and there is no need of any interference by this Hon'ble Court.

5. Upon perusal of the provision as laid down under Section of the Bihar Tenancy Act, 1885 (Act 8 of 1885) which states as follows:-

48D. Acquisition of raiyati right by occupancy

under raiyat.- (1) An occupancy under raiyat shall if he makes an application in this behalf in the prescribed manner, be entitled to acquired the right of a raiyat subject to the payment to be made as may be prescribed by the State Government and the right of the landholder in such land shall extinguish:

Provided that the land on which he acquires such right alongwith other land held by him anywhere in the State does not exceed the area he may hold under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962).

(2) The remaining area, if any, in which the under



raiyat does not acquire the right of a raiyat shall continue to be held by the raiyat under whom the under raiyat held the land.

(3) the land owner in respect of whose land the under raiyat acquires the right of a raiyat under sub-section (1) shall be paid as compensation an amount equivalent to twenty-four times the rent of the holding in the manner prescribed in this behalf.

6. It is a clear cut finding that the Circle Officer, Raniganj has neither taken any evidence nor provided any opportunity to the landlord in this matter, therefore, this Court is of the view that the reasoning assigned by the Bihar Land Tribunal, Patna is correct and there is no need of any interference in the order dated 14.07.2022 passed by Chairman, Bihar Land Tribunal, Patna in B.L.T. Case No.345 of 2019.

7. Accordingly, the present Writ Petition stands dismissed.

(Dr. Anshuman, J.)

Ritik/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12/07/2023
Transmission Date	NA

