

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4791 of 2017

Md. Eliyash @ Md. Elias S/o - late Yakub Nadaf R/o- Village- Dhankoul, P.S. Nanpur, P.O. Nayatola, sub-Division-Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The Additional Collector, Sitamarhi.
4. The Deputy Collector, Land Reforms, Pupri, Sitamarhi.
5. Md. Sikandar Hussain S/o- Md. Taslim Nadaf R/o- Village- Bela, P.S.Nanpur, District- Sitamarhi, Present Address, Village- Dhankoul khurd, P.S.Nanpur, P.O. Nayatola, Via- Jale, Sub-Division and Registry and Registry Office- Pupari, District Sitamarhi.
6. Saidul Haque S/o Md. Tayaub R/o- Village- Dhankoul, P.S. Nanpur, P.O. Nayatola, Via- jale sub-Division and Registry Office-Pupri, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Singh, Advocate Ms. Ankita Roy, Advocate
For the Respondent/s	:	Mr. Birendra Prasad Singh, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-05-2024 Heard Ms. Ankita Roy, learned counsel for the petitioner and the State.

2. The present writ petition has been preferred for the grant of following relief/s:-

(a) quashing order dated 28.09.2016 of the Hon'ble Bihar Land Tribunal, Patna passed in BLT Case No. 1011 of 2015 whereby and where under the application of the petitioner was dismissed;



(b) quashing order dated 21.07.2015 passed in Ceiling (Pre-emption) Revision Case No.473 of 2012 passed by the Commissioner, Tirhut Division, Muzaffarpur whereby and where under the revision application of the petitioner was dismissed and order-dated 27.07.2012 of the Additional Collector, Sitamarhi passed in Land Ceiling Appeal Case No. 02/2011-12 was affirmed and order dated 09.06.11/15.06.11 of the learned D.C.L.R., Pupari, Sitamarhi passed in Pre-emption Case No.19/2010-11 was set aside;

(c) quashing order dated 27.07.2012 of the Additional Collector, Sitamarhi passed in Land Ceiling Appeal Case No.02/2011- 12 preferred by Respondent No.5-Md.Sikandar Hussain;

(d) This writ petition is also for directing Respondent Nos.2&3 to re-convey to the petitioner the land comprised in Khata No.248, Plot Nos.807&806, having area 12 decimals situated in Mouza-Dhankoul, Thana No.213 as given in Schedule-I of Form LC-13 filed by the petitioner; and

(e) For any other relief/reliefs to which the petitioner may be found entitled in law.”

3. The reasoned order has been passed by the Bihar



Land Tribunal, Patna in BLT Case No. 1011 of 2015 against the petitioner.

4. Ms. Roy representing the petitioner submits that in that background, when a decision has gone in favour of the respondent No. 5, the consideration amount that was paid by the petitioner has to come to his coffers.

5. Learned State counsel repose the view of the learned counsel for the petitioner and submits that when the petitioner has gave up his right from the land which he earlier purchased, the consideration amount has to be returned.

6. In that background, and in view of the limited prayer made by the petitioner, the writ petition stands disposed of with a direction to the concerned respondent to return the consideration amount to the petitioner as early as possible but not exceeding than three months from today.

7. The present writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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