

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1264 of 2017

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Sulendra Yadav Son of Ajodhi Yadav, Resident of Village- Tajpur, Pargana,
Baliya, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Land Reforms, Government of Bihar, Patna.
3. The District Collector, Begusarai.
4. The District Land Reforms Officer, Begusarai.
5. The Sub-Divisional Officer, Begusarai.
6. The Circle Officer, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Pandey, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha- SC-19

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-04-2024 Heard the parties.

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

*“for issuance of writ/writ,
order/orders, direction/directions to the
respondents authorities in the nature of
Mandamus and for setting aside the order
dated 26.05.2016 passed in B.L.T. Case No.
1007 of 2013 passed by Hon'ble Mr. R.P.
Sharma (Member Judicial) of the Hon'ble
Bihar Land Tribunal, Patna which is arising*



out of the rent fixation Case No. 08 of 2010-11 which was filed by the petitioner alongwith others before the Circle Officer, Begusarai for fixation of rent of the land of Plot No. 1793 and 1795 of Khata No.03, Tauzi No. 656 of Area about 8 Bighas (eight bighas) one Katha and one Dhur which was settled in the name of father of this petitioner by the Ex- landlord which was unregistered deed of settlement and after that the petitioner father came in possession upon the same land throughout. The rent fixation case No. 08 of 2010-11 was rejected by the Circle Officer vide his order dated 27.01.2012.”

3. The details of the land is/are as follows:-

“Plot No. 1793 and 1795 of Khata No. 03, Tauzi No. 656 of Area about 8 Bighas (eight bighas) one Katha and one Dhur.”

4. It is the case of the petitioner that the ex-landlord had settled the land in favour of the father of the petitioner and



they were in possession thereafter.

5. He, however, admits that in the year 1976-77 a Ceiling Proceeding vide no. 04 of 1976-77 (State of Bihar vs. A.P.S. Trust) was initiated. Subsequently, the land was released by the landlord whereafter the State Government issued gazette notification on 30.10.1990 and no objection was/were filed by anyone within the next thirty days, whereafter, the land vested with the State. Later, '*parcha*' was granted to the persons who were later settled on the land. In the year 2010, the petitioner moved before the Circle Officer, Begusarai for fixation of rent who however negated the claim vide an order dated 27.01.2012 holding that ex-landlord Ayodhya Prasad Singh Trust (Estate), Navakothi had released the said land in favour of the Government of Bihar. The matter moved and reached ultimately at the doors of Bihar Land Tribunal, Patna in BLT Case No. 1007 of 2013 which was heard alongwith BLT Case no. 1008 of 2013 and by a common order dated 26.05.2016, the same was dismissed.

6. The relevant portion is in paragraphs 15 and 16 which are incorporated hereinbelow:-

*“15. After hearing learned Counsels
for the parties and going through the*



application, counter affidavit and written argument and decision cited by Mr. Pandey, I find that the land in dispute was declared surplus. In the land ceiling case started against Ayodhya Prasad Singhy and it was published in District Gazette on 30th Oct. 1990 and no objection was filed by anyone within 30 days, then the land vested in the State and possession of the applicants will be totally illegal and that will amount to have possession by use of muscle power.

16. From bare perusal of Bihar Land Reforms (Fixation of ceiling area and acquisition of surplus land) (Amendment) Act, 1972, Bihar Act 1 of 1973, there is provision u/s 9 by which Amendment of Section 15 of Bihar Act XII of 1962 has been made which reads as follows-" (2) On the publication of the notification under subsection (1), the land specified in the notification shall, subject to the provisions of this Act, be deemed to have been acquired



for the purpose of this Act and vested in the State free from all encumbrances with effect from the date of the notification and all right, title and interest of all persons claiming interest therein shall, with effect from the date, be deemed to have been extinguished. (b) for sub-section (3), the following sub- section shall be substituted, namely:-"(3) On the publication of the notification under sub-section (1) any person claiming interest in and specified in the notifications, may, within thirty days of such publication file a claim before the Collector", and (c) for section (6), the following sub-section shall be substituted, namely:- "(6) subject to the provisions of sub-sections (4) and (5) and any order made on appeal or revision, the Collector may, at any time after the publication of the notification under sub- section (1), take possession of the land specified in the said notification and may for that purpose use



such force as may be necessary". In view of provision aforesaid the land vested in the State. With effect from the date of notification and right title and interest of any person claiming interest has been extinguished, so the Circle Officer has rightly declined to fix rent and held that this is a case of dispossession of purcha holders. In this case District Magistrate and S.P. Begusarai had also been directed to appear before the Court and both Senior Officers of the District have appeared and apprised this court that now the purcha holders have been delivered possession, affidavit has been filed to this effect, now when the land vested in the Government unless the land ceiling case be reopened, the applicants have no case.

The application is devoid of any merit and the same is dismissed accordingly."

7. From the facts/order, it is clear that on 30.10.1990 gazette notification took place with regard to the land in question and there was no objection from the side of the



petitioner. From their own showing twenty years later, they moved before the Circle Officer, Begusarai which was rightly negated by him.

8. Having gone through the entire facts as also the order, this Court does not find any error in the order dated 26.05.2016 passed by the BLT in the aforesaid case.

9. The present writ petition stands dismissed.

(Rajiv Roy, J)

Adnan/-

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