

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9549 of 2018

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1. Chameli Devi and Ors Wife of Sri Suresh Das @ Navneet Das,
 2. Rinta Devi, Wife of Sri Raja Ram Gupta,
 3. Shakuntala Devi, Wife of Sudarshan Prasad,
 4. Sarita Devi, Wife of Sri Umesh Kumar @ Umesh Yadav, null
 5. Pratima Devi, Wife of Rajnandan Prasad,
 6. Tribeni Devi, Wife of Sri Murari Prasad,
 7. Anchhi Devi, Wife of Sri Bigan Mandal, All are resident of Village- Rajan, P.S.- Gurua, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Collector, Gaya.
3. The Sub-Divisional Officer, Sherghati, District- Gaya.
4. The Circle Officer, Gurua, District- Gaya.
5. The Officer-in-Charge, Police Station- Gurua, District- Gaya.
6. The Chairman, Bhudan Yagan Committee, Bihar, Patna.
7. The District Incharge Bhudhan Bagyan Committee, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Md. Khurshid Alam- AAG12
For the Bhudan	:	Ms.Alka Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-10-2024 In the instant petition, petitioners have prayed for the following relief(s):-

(i) For issuance of a writ of Mandamus, order or orders, direction or direction and command or commands to the Respondents to put possession of the petitioners who got the Purcha/Danpatra from the Bhoodhan Yagan Committee in compliance of the order of the Chairman of the Bihar Land Tribunal, Patna in B.L.T. Case No. 1129/2015.



(ii) For issuance of writ of Mandamus, order or orders, direction or directions and command or commands the Respondents to demolished the illegal constructions upon the lands under Khata No.147 Plot No.916 which was illegally constructed by the "man of muscles" or political men (Bahu Bali) of the said Area.

(iii) And/or any other relief or reliefs for which the petitioners are found entitled to in the facts and circumstances of this case.

2. Learned counsel for the petitioners submits that land appertaining to Khata No. 147, Plot No. 916 measuring an area of 7 acres originally belonged to Mahant Harihar Giri, the mahant of Bodh-Gaya Math and the land in question was given to Bhoodan Yagna Samiti and put Bhoodan Yagna Samiti in exclusive possession thereof. In the year 1955, the Bhoodan Yagna Samiti has issued a Parwana No. 24021 in favour of Shiv Barat Sah @ Shiv Barat Sao and Shiv Barat Sah @ Shiv Barat Sao came in exclusive and cultivating possession after having said Parwana No. 24021 issued in his favour. He further submits that Shiv Barat Sah @ Shiv Barat Sao died in the year 2005 leaving behind his six legal heirs and successors. He further submits that Ram Bilash Sahu @ Sao, son of late Shiv Barat Sah @ Shiv Barat Sao has illegally transferred the said land to some other persons. Learned counsel further submits that on



14.03.2010, a Gram Sabha has been held and head of Gram Sabha has canceled the Parwana No. 24021 dated 30.09.1955 and the land in dispute has been distributed among landless people of village - Rajan under Bhoodan Yagna Samiti and the proceeding of Aam Sabha has been adjudicated. Though, the counsel for the petitioners submits in Para 17 that the Bhoodan Yagna Samiti has prepared Parwana No. 24021 in the name of petitioners and distributed among the petitioners alongwith others villagers on 27.07.2010 and they were in possession thereof and Annexure 1 is quite evident through Parwana No. 24021 the land in question were allotted to the petitioners and others. He further submits that BLT order dated 11.08.2016 has been passed in petitioner's favour where the revenue authority on the receipt of recommendation for the Chairman Bhoodan Yagna Samiti will act in accordance with the provision contained in Sections 21 and 22(A) of the Bhoodan Yagna Samiti Act, 1954 and any subsequent order can be passed only after providing proper opportunity of hearing to the person concerned. The revenue authority thereafter will act in accordance with the provision contained in Bihar Bhoodan Yagna Samiti Act, 1954. He further submits that no order has been passed in compliance of BLT order dated 11.08.2016.



3. Learned counsel on behalf of the Respondent Nos. 6 and 7 has conceded the submission of the petitioner's counsel that no order has been passed in the light of the direction given by the BLT.

4. Learned counsel for the State does not have any objection over the same regarding the BLT order dated 11.08.2016.

5. In the light of the facts and circumstances of the case, the petitioner has sought relief regarding the compliance of BLT order dated 11.08.2016 which has not been complied till today. From the perusal of record, there is nothing on record which indicates that BLT order dated 11.08.2016 has been complied. In this way, petitioner has made out a case.

6. Respondent Nos. 6 and 7 are hereby directed to pass appropriate order in the light of the BLT order dated 11.08.2016.

7. In the light of discussions made above, the present writ petition stands disposed of.

(Alok Kumar Pandey, J)

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