

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2503 of 2021

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Bramha Singh son of Lalji Singh resident of Village and Post Jamalpur, P.S. Pateri, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat Building, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Old Secretariat Building, Patna.
3. The District Magistrate, Kaimur (Bhabhua).
4. The Additional Collector, Kaimur (Bhabhua).
5. The Deputy Collector Land Reforms, Kaimur (Bhabhua).
6. The Circle Officer, Kaimur (Bhabhua).
7. The Chairman Bihar Bhoodan Yagana Committee, Patna.
8. The Officer Secretary, District Bhoodan Committee, Kaimur (Bhabhua).
9. Kisun Ram son of Late Kharpatu Ram resident of Village Jamalpur, P.S. Chand, District Kaimur (Bhabhua).
10. Mahendra Pratap Singh son of Late Girja Singh resident of Village Pateri, P.S. Chand, District Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jai Vardhan Narayan, Advocate
		Mr. Sarvendra Kumar Verma, Advocate
For the Bhoodan	:	Ms. Alka Verma, Advocate
For the Respondent/s	:	Mr. Arif Daula Siddiqui, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 13-02-2024 Heard Mr. Sunil Kumar Chaudhary learned counsel

for the petitioner and Ms. Alka Verma who represents Bhoodan

Committee (respondent No. 7) and Mr. Arif Daula Siddiqui for

the State.

2. The present writ petition has been preferred for the

following relief:



"I. Issuance of directions order or writ in the nature of certiorari setting aside the order passed by the Hon'ble Bihar Land Tribunal in BLT Case No. 798/2017 on dated 04.04.2018 as contained in ANNEXURE - 7 to this Writ Petition whereby and where under the Hon'ble Tribunal had been pleased to order that in view of the pendency of the Title Suit No. 805/2015 in the Civil Court, Bhabhua challenging the exchange deeds, the decision of the Civil Court should be awaited and that will decide the fate of the case and the claim of the parties and by that aforesaid order the aforesaid BLT Case was disposed of which is contrary to the provisions as laid down under proviso (iii) (i) of Section 14(1) of the Bihar Bhoodan Yagana Act, 1954 which reads as under:

"14(1)(iii)(i) [grantee, his heirs assigns or successor-in-interest shall not be competent to sublet or transfer the land or any portion thereof by sale, gift or otherwise, but shall be competent to transfer the same by exchange with the previous permission of the Committee in writing]"

and as such the intervention of this Hon'ble Court is necessitated for safeguarding the provisions laid down in the Bihar Bhoodan



Yagana Act, 1954 for the reasons that this Act would not govern under general law rather the Bihar Bhoodan Yagana Act, 1954 is a complete and self contained Act and the aforesaid proviso (iii)(i) of Section 14(1) as quoted above makes the provisions of the Act applicable notwithstanding anything to the contrary in any law for the time being in force.

II. Issuance of directions orders or writs in the nature of certiorari setting aside the order passed by the Chairman, Bihar Bhoodan Yagana Committee on dated 23-03-2013 as contained in ANNEXURE - 2 to this Writ Petition whereby and where under the Chairman, Bihar Bhoodan Yagana Committee had approved the recommendation issued by the Office Secretary, District Bhoodan Committee, Bhabhua who had recommended for exchange of the lands of the Bhoodan tenants with Mahendra Pratap Singh, the aforesaid transaction had already been done prior to the approval of the Committee.

III. Issuance of directions orders or writs in the nature of mandamus directing the respondents to handover the land to the Bhoodan tenants in accordance with the provisions of the Bihar Bhoodan Yagana



Act, 1954 holding the transaction of exchange of Bhoodan land as void ab-initio.

IV. Issuance of directions orders or writ in the nature of mandamus directing the respondents to hold good the orders passed by the Deputy Collector Land Reforms, Bhabhua in Mutation Appeal No. 19/2013-14 dated 12.07.2013 as contained in ANNEXURE - 1 to this Writ Petition as well order passed in Mutation Appeal No. 11/2014-15 dated 18.06.2015 as contained in ANNEXURE - 4 to this Writ Petition.

V. Any other relief or reliefs for which the petitioner may deemed entitled to.

3. The petitioner is aggrieved by the order dated 04.04.2018 passed by the Bihar Land Tribunal Patna in BLT Case No. 798 of 2017 by which the claim of the petitioner has been negated taking into account the pendency of Title suit No. 805 of 2015 before the Civil Court, Bhabhua.

4. At the outset, Mrs Alka Verma submits that the said Title suit No. 805 of 2015 has been preferred by the petitioner himself. In view of the fact that a Title suit is pending before a competent Civil Court, preferred by the petitioner himself, the BLT, Patna was fully justified in not passing any order



considering the pendency of the aforesaid case.

5. No relief can be granted to the petitioner, the writ
petition stands dismissed.

(Rajiv Roy, J)

Adnan/-

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