

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11191 of 2024

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1. Most Leela Devi Wife of late Ram Kumar Paswan, Resident of Village and Post- Pandaul Anchal and P.S. - Pandaul, District- Madhubani, Bihar.
 2. Sanjay Kumar Paswan, Son of late Ram Narayan Paswan and Late Dana Devi Resident of Village and Post- Pandaul Anchal and P.S. - Pandaul, District- Madhubani, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector of the District, Madhubani.
2. The Collector of District , (D.M.), Madhubani.
3. The Additional Collector, Madhubani.
4. The Deputy Collector, Land Reforms, (DCLR) Madhubani.
5. The Circle Officer, (C.O.), Pandaul, Madhubani.
6. The Bihar Industrial Area Development Authority (BIADA) through its Managing Director Udyog Bhawan, Ist Floor, (BIADA), Eastern Gandhi Maidan, Patna- 800004 (Bihar).
7. The Area Manager, Bihar Industrial Area Development Authority (BIADA) At and P.O. Pandaul, Distt. Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Nath Jha, Advocate
For the BIADA	:	Mr. Ujjawal Bhushan, Advocate
For the State	:	Mr. Venkatesh Kirit, AC to GA-2

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 29-07-2024

Heard Mr. Shashi Nath Jha, learned advocate for
the petitioner and Mr. Ujjawal Bhushan, learned advocate



representing the BIADA.

2. The petitioner No. 01 is the Parcha-holder of land measuring 9 Decimal whereas, petitioner No. 02, is son of late Dana Devi, who was the Parcha-holder.

3. Learned advocate for the petitioner contended that both the petitioners are member of Scheduled Caste and after receiving Parcha-land in their favour, they have been coming in continuous possession since long. Shorn of unnecessary details, it is pertinent to state here that on the request made by the petitioner No. 01 and the mother of petitioner No. 02, being landless and widows, the learned Additional Collector, Madhubani vide his letter No. 3158 dated 14.08.2007 requested the C.O., Pandaul to ensure grant of Parcha in favour of both the widows. Pursuant thereto, proceeding no. 01 of 2007-08 was initiated and finally Ceiling Surplus Parchas have been issued in favour of petitioner no. 01 and the mother of petitioner no. 02.

4. Learned advocate for the petitioner further urged before this Court that consequent to the issuance of Parchas as noted hereinabove, a separate Jamabandi Nos. 163 & 164 were opened in favour of the Parcha-holder and both the petitioners have been paying rent to the State of Bihar regularly.



5. In the year 2020, the petitioners came to know that the lands in question has already been transferred by State of Bihar vide notification dated 29.06.2020 in favour of the respondent BIADA. Despite sincere efforts, the petitioners could not get the photocopy of the notification dated 29.06.2020 and as such it could not be brought on record. However, petitioners are aggrieved and thus sought quashing of the same on its production.

6. It is further contended that the impugned transfer of the land, in question, has been made without any notice to the petitioners and in fact behind their back causing serious prejudice to their right and entitlement.

7. Subsequent thereto, a mutation order has also been issued in favour of BIADA and the petitioners filed a Mutation Appeal No. 215 of 2024 before the learned DCLR, Madhubani praying therein to restore the Jamabandi Nos. 163 & 164 with respect to the lands in question.

8. At this juncture, learned advocate for BIADA submits at the bar that since the petitioners have already preferred Mutation Appeal which is pending before the DCLR, Madhubani, the same is required to be considered and dispose of by the learned DCLR, Madhubani.



9. Refuting the aforesaid contention, learned advocate for the petitioner thus submitted that since the land has been transferred in favour of BIADA, thus, mere interference in the mutation would not suffice as that would mean only for fiscal purpose. The petitioners are genuinely aggrieved with the transfer of the land to BIADA behind their back in most arbitrary manner. It is further urged that the entire facts have been brought to the knowledge of District Collector, Madhubani by filing a detailed representation, the copy of which is brought on record by way of Annexure-P10.

10. Considering the rival submissions of the parties and taking note of the materials available on record, this Court finds substance in the submission of the petitioners that the land in question which has been transferred in favour of BIADA have previously been settled in favour of the petitioners on the basis of Parcha leading to creation of Jamabandi. In such circumstances, this Court direct the Collector, Madhubani to first consider the representation of the petitioner which is marked as Annexure-10 to the writ petition after giving an opportunity to the petitioner and other stakeholders and dispose of the same within 12 weeks from the date of receipt/production of a copy of this order.



11. Subsequent to the disposal of the representation as directed hereinabove, the respondent DCLR, Madhubani shall take up Appeal No. 215 of 2024 and dispose of the same after giving notice to all the concerned in a further period of 8 weeks.

12. The writ petition stands disposed of with the aforesaid direction.

(Harish Kumar, J)

durgesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2024
Transmission Date	NA

