

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10989 of 2024

-
1. Suresh Mandal, Son of late Ramcharan Mandal, Resident of Village-Babhanchakka, Brahamganj, Tola, P.S. Bhawanipur, District- Purnea, Pin Code- 854204.
 2. Kamleshwari Mandal, Son of late Ramcharan Mandal, Resident of Village-Babhanchakka, Brahamganj, Tola, P.S. Bhawanipur, District- Purnea, Pin Code- 854204.
 3. Darbeshwari Mandal, Son of late Ramcharan Mandal, Resident of Village-Babhanchakka, Brahamganj, Tola, P.S. Bhawanipur, District- Purnea, Pin Code- 854204.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Patna- 800015
2. The District Collector, Purnea.
3. The Additional Collector (Ceiling), Purnea Within District- Purnea.
4. The Sub Divisional Officer, Dhamdaha District- Purnea.
5. The Circle Officer, Bhawanipur within District- Purnea.
6. Basudeo Mandal, Son of late Babujan Mandal, Resident of Village-Brahamganj, Police Station Rupauli, District- Purnea, Pin Code- 854204.
7. Sanjhali Devi, W/o Sanjhala Baski, Resident of Babhanchakk, Suokali Tola, Anchal Bhawanipur, District- Purnea- 854204.
8. Change Devi, W/o Sanjay Baski, Resident of Babhanchakk, Soukali Tola, Anchal Bhawanipur, District- Purnea- 854204.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Sinha, Advocate
For the Respondent/s : Mr. Prem Ranjan Raj, AC to SC- 7

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 25-07-2024

Heard Mr. Binay Kumar Sinha, learned Advocate
for the petitioners and Mr. Prem Ranjan Raj, learned AC to SC-
7, for the State.

2. The petitioners by filing the present writ petition



under Article 226 of the Constitution of India seeking a direction upon the Collector of the Purnea District to exclude the lands of Khata No. 168, Khesara No. 98, area 80 decimals and Khesara No. 99, area 0.17 decimals in respect to notification no. 3066, published in the District Gazette, Purnea No. 18 on 18.09.2006 under Section 15(1) of the Ceiling Act. By the aforesaid Gazette notification, the land, in question, shown as acquired being surplus against the land holders in Ceiling proceedings, bearing Case No. 106/1973-74 /211/1975-76.

3. At the outset, learned Advocate for the State made a preliminary objection with regard to the maintainability of the writ petition on the ground of delay as well as alternative remedy. It is vehemently contended that the Gazette notification under Section 15(1) of the Ceiling Act was published way back in the year 2006 and the present writ petition has been filed after 18 years. Even the amendment in the Ceiling Act incorporating Section 30(2),(3), (4)(i) and (ii) have been brought in existence in the year 2016 and, as such, if the petitioners have any grievance they have the remedy under the aforementioned provisions.

4. Considering the submissions of the learned



Advocate for the State, this Court does not find any reason to interfere in the writ petition.

5. At this stage, learned Advocate for the petitioners seeks permission to withdraw the writ petition with a liberty to avail the remedy.

6. In view of the aforesaid facts, the present writ petition stands dismissed as withdrawn.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.07.2024
Transmission Date	NA

