

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12702 of 2018

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Kailash Singh @ Kailash Bhagat son of Late Dhanraj Singh resident of village Koyladewa Tole, Semarbari, P.S. Phulwaria, District Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Under Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The Collector, Gopalganj, District Gopalganj.
5. The Additional Collector, Gopalganj, District Gopalganj.
6. The Sub Divisional Officer, Hathua, District - Gopalganj.
7. The Sub Divisional Public Grievances Redressal Officer, Hathura, District Gopalganj.
8. The Deputy Collector Land Reforms, Hathua, District Gopalganj.
9. The Anchal Padadhikari Circle Officer, Phulwaria, District Gopalganj.
10. The Bihar Bhoodan Yojna Committee, Road No. 34, Gardanibagh, Patna, P.S. Gardanibagh, District Patn
11. The Chairman, Bihar Bhoodan Yojna Committee Road No. 34, Gardanibagh, Patna.
12. The Special Officer on Duty cum Office Secretary, Zila Bhoodan Yojna Committee, Arar More, Gopalgan

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suresh Prasad Bhakta, Adv.
For the Respondent/s	:	Mr.Manoj Kumar Singh, AC to SC 19
For Respondent nos. 10 &11	:	Mrs. Alka Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 12-11-2024

In the instant writ petition, petitioner has prayed for
the following reliefs :

*“(A) For issuance of appropriate
writ/order/direction commanding the
respondent authorities concerned for*



restoration of possession of the petitioner over the entire area of the piece of land settled under section 14 of the Bihar Bhoodan Yojna Act, 1954 (hereinafter referred as the Act) in his favour which details are mentioned in para 3 of this application in the light of the provisions contained in Sections 14A and 22 of the Act in terms of the order dated 19.07.2017 (Annexure-10) passed by the Bihar Land Tribunal, Patna in B.L.T. Case No. 23 of 2016.

(B) For issuance of appropriate direction commanding the Anchal Padadhikari, Phulwaria, District- Gopalganj to restore the Jamabandi No. 1662 earlier created in favour of the petitioner with respect to the disputed land in terms of the order dated 19.07.2017 (Annexure-10) passed by the Bihar Land Tribunal, Patna in BLT Case No. 23 of 2016.

(c) For issuance of any other writ/order/direction for which the petitioner would be entitled in the facts and circumstances of the present case.”

2. Briefly stated, the facts of the case is that petitioner being settlee under the Bihar Bhoodan Yojna Act, 1954 of the land measuring 8 ½ decimals of plot no. 2099, Khata No. 587, situated in village Koyaladewa, P.S.- Phulwaria, District- Gopalganj which is confirmed by the competent authority on



18.01.1990 vide Confirmation Case No. 3 of 1989-90. After settlement of the land, rent proceeding was initiated and rent was fixed by the Circle Officer, Phulwaria. Thereafter, Jamabandi No. 1662 was created in favour of the petitioner and his name was entered in Register II. Petitioner is paying rent and is being issued rent receipt regularly. After dispossession from the land by Haridyanand Singh, Ramsevak Singh, Badri Singh @ Jai Prakash Singh and Nathu Singh, petitioner filed an application i.e. Misc (Bhoodan) Case No. 137 of 2008 before the Collector, Gopalganj for restoration of his possession which was forwarded to DCLR, Hathua, but no action was taken. Thereafter petitioner filed CWJC No. 18253 of 2009 before this Court which was disposed of by order dated 18.01.2010 with certain direction to the DCLR, Hathua. After spot verification, the Circle Officer, Phulwaria was directed to restore the possession of the petitioner over the land in question vide order date 31.12.2010 passed by the D.C.L.R., Hathua. The said order of D.C.L.R. was assailed in Bhoodan Appeal No. 01 of 2011 before Collector, Gopalganj, which was allowed vide order dated 02.11.2012 and the order of DCLR was set aside and Jamabandi created in favour of petitioner was cancelled. Thereafter, petitioner assailed the aforesaid order passed by the



Collector, Gopalganj before the Bihar Land Tribunal in B.L.T. Case No. 23 of 2016, which was allowed in favour of the petitioner vide order dated 19.07.2017. Petitioner has approached this Court for execution of the order passed by the B.L.T.

3. Learned counsel for the petitioner submits that petitioner has made representations before several authorities. However, receipt of such application is not on the record. He submits that receipt of application made before the Circle Officer is on the record.

4. Learned counsel appearing for the State, on the basis of materials available on record, submits that petitioner is required to file a case before the D.C.L.R. which he has not done and he has directly rushed to this Court in its writ jurisdiction, and as such, the present writ petition is not maintainable.

5. In the light of aforementioned facts and circumstances of the case and the submissions advanced on behalf of the parties, the present writ petition is disposed of as not maintainable. However, disposal of the present writ petition would not be a hurdle for the petitioner to file appropriate petition/application before the competent authority within a



period of four weeks from the date of receipt/production of a copy of this order. In case petitioner files such application, the concerned authority is directed to pass appropriate order in accordance with law within a period of eight weeks from the date of filing of the representation.

(Alok Kumar Pandey, J)

mcverma/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.11.2024
Transmission Date	N/A

