

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17527 of 2023

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1. Md. Hafizuddin Son of Late Md. Jenuddin @ Late Sk. Jenuddin, Resident of Village - Chainganj (Chhatar Katharo), P.O.- Saraikuri, P.S.- Thakurganj District Kishanganj.
 2. Md. Juned Alam, Son of Late Md. Jenuddin @ Late Sk. Jenuddin, Resident of Village - Chainganj, P.O.- Saraikuri, P.S.- Thakurganj, District- Kishanganj.
 3. Md. Parwez Zafar, Son of Late Tamizuddin @ Sk. Tamizuddin, Resident of Village Chainganj, P.O.- Saraikuri, P.S.- Thakurganj, District - Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Collector, Kishanganj.
3. The Additional Collector, Kishanganj.
4. The Deputy Collector Land Reforms, Kishanganj.
5. The Anchal Adhikari, Thakurganj, District Kishanganj.
6. Nalini Lal, Wife of Late Pradeep Chand Lal, Son of Late Vishnu Chand Lal Resident of Purnia City, P.S.- Purnia Sadar, District -Purnia (Bihar), at present resident of Flat No. 12, Penn Court, 5b, Penn Road, Alipore, Kolkata (West Bengal).
7. Vikash Chand Lal, Son of Late Pradeep Chand Lal Resident of Purnia City, P.S.- Purnia Sadar, District -Purnia (Bihar), at present resident of Flat No. 12, Penn Court, 5b, Penn Road, Alipore, Kolkata (West Bengal).
8. Pawan Chand Lal, Son of Late Pradeep Chand Lal Resident of Purnia City, P.S.- Purnia Sadar, District -Purnia (Bihar), at present resident of Flat No. 12, Penn Court, 5b, Penn Road, Alipore, Kolkata (West Bengal).
9. Siddharth Chand Lal, Son of Late Pradeep Chand Lal Resident of Purnia City, P.S.- Purnia Sadar, District -Purnia (Bihar), at present resident of Flat No. 12, Penn Court, 5b, Penn Road, Alipore, Kolkata (West Bengal).
10. Smt. Sandhya Rani Verma, Wife of Pritish Verma and Daughter of Late Vishnu Chand Lal Resident of 4C, Aucklane Squired, P.S.- Sexpier Sarani, Kolkata -700016 (West Bengal).
11. Smt. Kaushal Mitra, Wife of Rangram Mitra Resident of 4C, Aucklane Squired, P.S.- Sexpier Sarani, Kolkata -700016 (West Bengal).

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Satish Kumar Sinha, Advocate
For the State	:	Ms. Vijaya Laxmi Srivastava, AC to SC-23

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH



ORAL ORDER

2 12-01-2024

1. Heard learned counsels for the parties.

2. This writ application has been filed for the following reliefs:-

“A. The final publication under Section 15(1) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Hereinafter referred to as "the Act") with respect to the land involved in Land Ceiling Case No.1854/1274/1973-74 instituted against one Pradeep Chand Lal, Son of Late Vishnu Chand Lal be declared illegal, inoperative and not binding in part against the petitioners in which the land purchased by the petitioners /ancestor of petitioner no.3 measuring an area 25 dhurs has been declared surplus land of the land holder Pradeep Chand Lal.

B. The acquisition and distribution of the surplus land, if any, with respect to the aforesaid 25 dhurs of land be also quashed.

C. It is further prayed that in any event the aforesaid 25 dhurs of the land be ordered to be included in the lands retained by the land holders under the provision of Section 9(2) of the Act.

D. It is further prayed that during pendency of the present writ application, the distribution of the aforesaid purchased land having an area 25 dhurs be stayed.

E. It is further prayed that the possession of the petitioners over the land having an area 25 dhurs be not till disposal of the present writ application.

F. Any other relief/reliefs which this Hon'ble Court may deem fit and proper be also granted.”

3. After some arguments, learned counsel for the petitioners requests for disposal of the present writ application



granting liberty to the petitioners to move before the competent authority, in terms of Section 30 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.

4. Section 30 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, reads as follows:-

“30. Appeals. - [(1) (a) An appeal shall lie from any final order passed by any officer vested with the power of the Collector under this Act other than the Collector of the district to the Collector of the district or any other officer specially authorised in this behalf by the State Government within *thirty* days, of such an order.

(b) An appeal shall lie from any final order passed by the Collector of the district to the Commissioner of the Division within *thirty* days of such an order:

Provided that no appeal shall lie against orders passed under Section 5 and Section 29 before the final publication of the draft statement under sub-section (1) of Section 11:

Provided further that appeal against orders passed under Section 5 and Section 29 shall be filed within *thirty* days from the date of final publication under sub-section (1) of Section 11.]

[(2) An appeal under this Section shall be heard and disposed of in the prescribed manner.]

[(3) An appeal shall be disposed of within the period of six months:

Provided that if for any reason it is not disposed of within the period of six months, the reasons shall be recorded in writing by the Appellate Authority.

(4) (i) The Collector of a district may initiate a fresh proceeding under the Act if, upon his own knowledge or information, he is satisfied that a land holder, in a proceeding under the Act, by fraudulently or by misrepresentation of facts or law, has managed to



obtain an order from any of his subordinate authority with a view to defeat the objects of the Act or any provision there of and retains land in excess of the ceiling area.

(ii) The Commissioner of a division shall exercise the similar power & authority as the collector of a district where a land holder has obtained similar order from the Collector of a district falling within his Jurisdiction under similar circumstances:

Provided that before initiating such proceeding under the Act, the Collector of a district or the Commissioner of a division, as the case may be, shall issue a notice to the land holder to show cause as to why land ceiling proceeding may not be initiated on the ground mentioned in the notice:

Provided further that no such proceedings shall be initiated in the cases decided by Board of Revenue or other Higher Courts.]”

5. With liberty as prayed for, this writ application is disposed of.

6. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered, taking into consideration the fact that the petitioners were pursuing the issue before this Court under Article 226 of the Constitution of India.

(Prabhat Kumar Singh, J)

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