

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3893 of 2020

1. Gopal Singh, Son of Late Sarabjit Singh, resident of Village- Gauri Tola, Dhanha, P.S. Dhanha, District- West Champaran. Adhyaksha of Sarvoday Sahayog Samiti, Gauri Tola, Dhanha, District- West Champaran.
2. Shankar Yadav, S/o Late Lakhan Yadav, resident of Village- Gauri Tola Dhanha, P.S. Dhanha, District- West Champaran Mantri of Sarvoday Sahyog Samiti, Gauri Tola, Dhanha, District- West Champaran.
3. Ramesh Dubey, S/o Late Bambahadur Dubey, resident of Village- Gauri Tola Dhanha, P.S. Dhanha, District- West Champaran at present Ward no. 8 Banwariya Dhanha District- West Champaran, Member of Sarvoday Sahyog Samiti, Gauri Tola, Dhanha, District- West Champaran.

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. Principal Secretary Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. D.C.L.R. Bagaha, West Champaran.
4. Circle Officer, Madhubani, West Champaran.
5. Collector, West Champaran.
6. Secretary Board of Revenue, Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Ebrahim Kabir, Advocate
	:	Ms. Shruti Sinha, Advocate
	:	Mr. Ramson Vyas, Advocate
For the Respondents	:	Mr. Sajid Salim Khan (SC25)
	:	Mr. W. A. Khan, AC to SC25

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 13-02-2024 Heard Mr. Ebrahim Kabir, learned counsel for the

petitioners and learned counsel for the State.

The present petition has been preferred for the
following reliefs:

*"That this is an application for issuance of
an appropriate writ order or direction for*



quashing memo no. 970(7)/Ra. Patna-15 dt. 23.08.2016 issued by Joint Director Krishi Ganana, Revenue and Land Reforms Department, Gov. of Bihar, Patna i.e. Annexure--- to the extent of Para 4 where in it directs that if after abolition of Jamindari if any Zamindar has donated Giar Majarua Khas Land to Bhudan Yagna Committee or Vinoba then such danaptra's will not have legal validity as after abolition of Zamindari the said land vested in Govt. And thus confirmation of the said land done by D.C.L.R. will also not be consequentially valid as the Zamindar then did not had ownership of the said land and therefore its settlement will be illegal which opinion has been given by legal department and on the light of which the office of Advocate General has also opined "Considering these aspects of the matter in my opinion the ex-landlord i.e., Zamindari cannot settle Gairmazarua land which has vested in the State of Bihar" and the said memo has been sent to all District Officers of Bihar for information and necessary action as the same is illegal and against the provisions of Bihar Bhoodan Yagna Act, 1954 and for a further direction to the respondents to grant mutation and thereafter, fix revenue of the land situated in village Gauri Tola Dhanha Thana No. 278 Thana Dhana District West Champaran measuring total 113 Acres 65 decimals Khata No. 683, Khesra No. 303, 30 Acre 90 decimals Khesra No. 506, 22 acre 65 decimals



Kheshra No. 2502, 21 acre 71 decimals and Kheshra No. 2502, 38 acre 39 decimal in name of Sarvoday Sahyog Samiti, Gauri Tola, Dhanha Circle, Madhubani, Sub-Division-Bagaha District-West Champaran as the said land was donated by ex-landlord Uma Kant Bajpai S/O Kamlakant Bajpai of Village Bettiah, P.S.-Bettiah District- to Vinoba Bhave's Bhoodan Yagna on 16.06.54, which was also confirmed by the then D.C.L.R. Bagaha West Champaran in Confirmation Case No. 1660 dtd. 06.04.1958 and thereafter, vested in Bhoodan Yagna Committee and which accordingly settled the said land to Sarvoday Sahyog Samiti Gauri Tola Dhanha vide Bhoodan yagna Committee Proposal no. 6(kha) Serial No. 5 dtd. 27.06.1969 and which thereafter is coming in Possessions of the same distributing the said land amongst its 25 members who are utilizing and sustaining on the same till date as the Mutation and revenue fixation of the said land is not being done by the respondents despite repeated representations/requests and also request made by the Karyalaya Mantri of Bhoodan district office East Champaran as well as Chairman of Bhoodan Yagan Committee which is also illegal arbitrary and discriminatory or for any other order or order which this Hon'ble Court may deem fit and proper under the Circumstances of this case."

2. At the outset, learned counsel for the petitioners



submit that he may given liberty to approach the Collector, West Champaran, Bettiah in the light of the memo no. 799 dated 06.10.2020 issued by the Member Bhoodan Land Distribution Inquiry Committee, which he has brought on record by way of Annexure-R4.

3. The writ petition stands disposed of with aforesaid liberty.

(Rajiv Roy, J)

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