

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2325 of 2017

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Dani Mehta S/o Late Mauji Mehta, resident of Maidania Rehka Shrinagar
Haweli , P.S. K. Nagar, P.O. Shrinagar, District - Purnia

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Purnea
3. The Additional Collector, Land Ceiling, Purnia
4. The Circle Officer, K. Nagar, District - Purnia
5. Smt. Manorma Devi, W/o Late Ganganand Singh,
6. Smt. Parmila Ramaji, W /o Late Parmanand Singh, Nos. 5 and 6 are resident
of Shrinagar Dyordhi, P.O. Shrinagar, P.S. K. Nagar, District - Purnia

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Respondent/s : Mr. Raj Kishore Roy- GP-18

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 16-04-2025 Heard the parties.

2. Learned counsel for the petitioner undertakes to
remove the defect(s) as pointed out by the Office.

3. The present writ petition has been preferred for the
following relief:

*“for issuance of a writ or writs, order or
orders and direction or directions to the Collector,
Purnia to delete the lands so purchased by the
petitioner and found mentioned hereinafter in this
application from the District Purnia Gazette
Notification no. 4 dated 1.6.1990 published u/s 15
(1) of the Land Ceiling Act as the land so*



purchased by the petitioner has been declared surplus land of the landholders respondent no. 5, though the land had been purchased by the petitioner on 7.1.1964 from Kumar Ganganand Singh, the husband of the respondent no. 5 without initiating proceeding u/s 5(1)(iii) of the Land Ceiling Act and no notice of any kind has been issued and served upon the petitioner and Kewala so purchased whereof has not been set aside.”

4. It is the case of the petitioner that the land in question (Mauja Khutti Dhunaiti, Pargana Haweli, Thana no. 151/1, Tauji no. 8/5, nature of the land Kaiymi) was purchased by the petitioner's father in the year 1964, got the possession and kept cultivating on the same. However, it was clubbed during the Land Ceiling Case No. 01 of 1983-84 alongwith the land that the land holder excluded from his unit. Finally, notification under Section 15 (1) of the Land Ceiling Act was issued vide Gazette Notification No. 4 dated 01.06.1990.

5. The petitioner upon knowledge filed Misc. Ceiling Case No. 5 of 2012 but in the year 2016, as the provision of 45 'B' of the Land Ceiling Act was rescinded, having no alternative, the present case.



6. A counter-affidavit has been filed on behalf of the State-respondent nos. 2 to 4 and as per paragraph-4, the Purnea District Gazette Notification No. 4 dated 01.06.1990 was published under Section 15(1) of the Land Ceiling Act after full fledged inquiry against the land holder and at no point of time, the petitioner appeared/approached/put up his case and/or his father came forward to claim the said land.

7. Learned State counsel submits that even as per the averments, the matter was finally taken up by the petitioner in the year 2012 i.e. after twenty two years, accordingly, the same is hopelessly time barred.

8. Learned counsel for the petitioner submits that under *bona fide* belief that after the purchase and since he/his father is/was in possession, no step could be taken. Further, as they had no knowledge, they could not approach the Court earlier.

9. Facts have been recorded, the submissions too have been heard, a proper Land Ceiling proceeding was initiated against the land holders which culminated with the Purnea Gazette Notification No. 4 dated 01.06.1990, the land in question was found to be surplus and vested with the State Government. Decades later and after the death of the father, the



petitioner has come forward to make the claim, the same is
hopelessly time barred.

10. The present writ petition stands dismissed.

(Rajiv Roy, J)

Adnan/-

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