

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17737 of 2017

1. Yogendra Mandal @ Yogendra Prasad Mandal Son of Late Darogi Mandal, resident of Village- Lakshmipur, P.S.- Gopalpur, District- Bhagalpur.
2. Ramshwarup Mandal, Son of Late Darogi Mandal, resident of Village- Lakshmipur, P.S.- Gopalpur, District- Bhagalpur.
3. Nageshwar Prasad Mandal, Son of Late Jagarnath Mandal, resident of Village- Lakshmipur, P.S.- Gopalpur, District- Bhagalpur.
4. Anil Mandal, Son of Late Jagarnath Mandal, resident of Village- Lakshmipur, P.S.- Gopalpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue Dept., Govt. of Bihar, Patna.
2. Additional Member, Board of Revenue Department, Govt. of Bihar, Patna.
3. The Commissioner, Bhagalpur Division, Bhagalpur, District- Bhagalpur.
4. The Collector Bhagalpur, District- Bhagalpur.
5. The Deputy Collector, Land Reform Naugachia, District- Bhagalpur.
6. The Member of the Administrative of Bihar Land Tribunal, Patna.
- 7.1. Sitaram Harijan Son of Late Bhola Harijan Resident of Village- Lakshmipur, P.S.- Gopalpur, District- Bhagalpur at present Village and P.O. and P.S.- Ismilpur, District- Bhagalpur.
- 7.2. Jay Prakash Harijan @ Boki Harijan Son of Late Bhola Harijan resident of Village- Lakshmipur, P.S.- Gopalpur, District- Bhagalpur at present Village and P.O. and P.S.- Ismilpur, District- Bhagalpur.
8. Kamleshwari Harijan, Son of Baldeo Harijan, resident of Village- Lakshmipur, P.S.- Gopalpur, District- Bhagalpur at present Village and P.O. and P.S.- Ismilpur, District- Bhagalpur.
9. Bindeshwari Harijan, Son of Baldeo Harijan, resident of Village- Lakshmipur, P.S.- Gopalpur, District- Bhagalpur at present Village and P.O. and P.S.- Ismilpur, District- Bhagalpur.
10. Wakil Harijan, Son of Late Jagdeo Harijan, resident of Village- Lakshmipur, P.S.- Gopalpur, District- Bhagalpur at present Village and P.O. and P.S.- Ismilpur, District- Bhagalpur.
11. Shalesh Das Son of Late Basik Harijan @ Rasik Harijan resident of Village- Lakshmipur, P.S.- Gopalpur, District- Bhagalpur at present Village and P.O. and P.S.- Ismilpur, District- Bhagalpur.
11. Madan Das Son of Late Basik Harijan @ Rasik Harijan resident of Village- Lakshmipur, P.S.- Gopalpur, District- Bhagalpur at present Village and P.O. and P.S.- Ismilpur, District- Bhagalpur.
12. Kalawati Devi Daughter of Late Basmatiya Devi resident of Village- Narayanpur, P.S.- Bhawanipur, District- Bhagalpur.



12. Geeta Devi Daughter of Late Basmatiya Devi Resident of Village- Chanda
2. Bhitha, P.O.- Pena, P.S.- Chausa, District- Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta, Advocate
For the Respondent/s : Mr. Dhurjati K Prasad, GP-14

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

9 16-04-2025 Heard the parties.

2. The present writ petition has been preferred for
the following relief(s):

*“for issuance of writ in the nature of
certiorari for quashing the order dated
19.07.2017 passed by Sri K.P. Ramaiah, Member
of Administrative of Bihar Land Tribunal, Patna
in B.L.T. Case No. 1241/2015 by which dismissed
the applications and confirmed the order dated
10.09.2015 passed by the respondent no.2 in
Revision Ceiling Case no. 24/2010 and further
quashing the order dt. 10.09.2015 passed by the
respondent no.2 in Revision Ceiling Case no.
24/2010, by which rejected the revision
application and affirmed the order dated
13.05.2010 passed by Collector, Bhagalpur in
L.C. Case No.89/2003-04 and further quashing*



the order dated 13.05.2010 passed by Collector Bhagalpur in L.C. Case No. 89/2003-04 by which, set aside the order dated 19.02.94 passed by LRDC, Naugachia in L.C. Case no. 24/85 and further pleased to affirmed the order dt. 05.12.1986 Passed passed by LRDC, Naugachia in L.C. Case no. 24/85 by which allowed the petition of petitioners and cancelled the Parcha of respondents and directed to hold the Jamabandi in the name of petitioners u/s 22(1) of Land Ceiling Act And further give other legal consequential benefit to petitioners.”

I.A. No. 03 of 2025

3. Pursuant to the last order passed by the Coordinate Bench on 18.03.2025, the present Interlocutory Application has been filed for substitution of the legal heirs of the respondent no. 12(i) namely Kalavati Devi who died during the pendency of this writ application.

4. Considering the aforesaid facts and since there is no opposition, the **I.A. No. 03 of 2025** stands allowed.

5. Let the Legal heirs of the respondent no. 12(i) be substituted as respondent nos. **12 (i-a) Anoj Das, 12(i-b)**



Mithilesh Das and 12(i-c) Pintu Das.

C.W.J.C. No. 17737 of 2017

6. The petitioners' claim that they are cultivating the land in question (R.S. Khata No. 25 Sikmi Khata no. 5, Plot no. 1963 with an area of 2.15 Acres and R.S. Plot no. 1964 appertaining to R.S. Khata No. 353 with an area of 2.24 Acres and the said R.S. Khata no. 25) as bataidars for more than 35 years. it seems that in the year 1976, the land holder Shiv Charan Sahu and Lav Kush of Village- Sahu Parhatta, Police Station-Gopalpur, District-Bhagalpur voluntarily handed over the land in question to the State Government whereafter a list of landless people were prepared and on 23.06.1976, *parcha* was handed over to them. Subsequently, they came in peaceful physical possession and cultivating the land.

7. The petitioners claiming themselves to be in peaceful physical possession of the land, preferred an appropriate petition before the Deputy Collector Land Reforms, Naugachhia in Case No. 24 of 1985 (Jagarnath Mandal vs. Babu Lal Chamar) in which an order dated 19.02.1994 came to be passed favoring the petitioners.

8. Aggrieved, the respondents preferred petition before the Collector, Bhagalpur vide Land Ceiling Case No.



89 of 2003-04. It was finally heard on 13.05.2010 and the Collector, Bhagalpur detailed out that pursuant to the voluntarily handing over the land in question by the original land holders to the State Government, it was subsequently distributed to the landless people handing them over *parcha* on 23.06.1976 itself. In the proceeding under Section 107 of the Cr.P.C. after giving an undertaking to keep peace in the area, the petitioners came out with the petition which was allowed by the Deputy Collector Land Reforms, Naugachhia, the same being not in accordance with law. Accordingly vide an order dated 13.05.2010, it was set aside.

9. Aggrieved, the petitioners moved before the Board of Revenue by filing revision (Ceiling Case No. 24/2010 (Yogendra Mandal & Ors. Vs. Bhola & Ors.). This too came to be dismissed on 10.09.2010 by the Additional Member, Board of Revenue, Bihar, Patna after holding that the claim of the Bataidar/Sikmidar are without any basis and the State Government was fully justified in handing over *parcha* to the landless people as there is no document to show that there is any entry in the revisional survey/khatiaan.

10. Still aggrieved, a petition before the Bihar Land Tribunal, Patna (hereinafter referred to as 'the Tribunal') was



filed vide BLT Case No. 1241 of 2015.

11. The short order dated 19.07.2017 passed by 'the Tribunal' read as follows:

"Petitioners have filed this application before this Tribunal against the order dated 10.09.2015, passed by the Additional Member Board of Revenue in Revision Ceiling Case No. 24 of 2010 by which the Additional Member Board of Revenue has affirmed the order of the District Collector.

The land in dispute has been acquired in the year 1976 and thereafter the land has been distributed to the eligible beneficiary of the schedule cast and they are in physical possession. After giving purcha from the government their names have been entered into the revenue records by creating Jamabandi in their names.

The petitioner is disturbing the possession of the present opposite party than there was a proceeding under 107 Cr.pc and 116(3) Cr.pc initiated and bond was prepared between two parties for maintenance of peace



and tranquility. Opposite party went before the D.C.L.R. for cancellation of Purcha without any jurisdiction after a long time of the Purcha distribution. Had he been a Bataidar he should have applied for Kaimi Right over the land declared surplus within 3 months of the notification, whereas present petitioner went before the D.C.L.R., after 12 years of distribution of Purcha. In the aforesaid circumstances the present application cannot be entertained. The orders passed by the learned Additional Member Board of Revenue as well as the Collector, Bhagalpru are confirmed. This application is dismissed.”

12. Aggrieved, the present petition.

13. On notice by the Coordinate Bench, the respondents have also appeared. It is the case of the petitioners that they were in continuous possession being bataidar/sikmidar and they were not heard before a decision was taken. In that background, the learned DCLR, Naugachhia was fully justified in passing the order in question. Further, the Collector, Bhagalpur, the Board of



Revenue as also 'the Tribunal' completely erred in holding that the petitioners are not entitled for any relief as pursuant to the giving up of the land by the original land holder in 1976, the same already stands distributed amongst others to the respondents herein. The submission is that the DCLR, Naugachhia passed the order in the year 1994, still a decade later, the claim of the respondents were entertained.

14. Learned State counsel Mr. Dhurjati Kr. Prasad submits that the consistent order of the Collector, Bhagalpur, the Board of Revenue as also 'the Tribunal is/are very clear. The land in question vested with the State Government in the year 1976 following its relinquishment by the original land holders. Subsequently, in the same year, list of landless persons was prepared and the '*parcha*' was handed over to them.

15. The petitioners came out of blue and started making claim and in that background, the DCLR, Naugachhia passed a wrong order. The Collector, Bhagalpur as also the other two Revenue Courts consistently held the aforesaid facts and in that background, the writ petition is fit to be dismissed and cost be imposed upon them for misusing the process of law.



16. Learned counsel representing the private respondents also echoes the submission of the learned State counsel and submits that pursuant to the '*parcha*' granted to them, they/their ancestors remained in continuous possession of the land and only to disturb the same at the later stage, the petitioners in connivance with the local officials in the office of the DCLR, Naugachhia created trouble. They insist that the private respondents are in possession. Being poor and belonging to weaker Sections, there was delay in moving before the appropriate authority as they were ignorant about the order of the DCLR.

17. Having heard the parties and perusing the record, the facts are clear. The original land holder handed over the land to the State Government, a list of landless people prepared, '*parcha*' distributed, those having granted the land came in possession and 'Jamabandi' created. All this happened in the year 1976.

18. Belatedly, the petitioners, for oblique reason started creating trouble and also got support from the office of the DCLR, Naugachhia.

19. In that background, the Collector, Bhagalpur as also the Revenue Courts rightly came to the conclusion that



the petitioners are only trying to create trouble, have no locus standi, have no document even to support their respective claim and thus dismissed the petition affirming the order of the Collector, Bhagalpur.

20. This Court does not deem it fit and proper to interfere with the consistent orders of the Board of Revenue as also 'the Tribunal' having affirmed the order of the Collector, Bhagalpur.

21. The writ petition stands dismissed with a cost of Rs. 500/- to be deposited with the District Legal Services Authority, Bhagalpur. Failure to do so, the same be realized in accordance with law.

(Rajiv Roy, J)

Adnan/-

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