IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18312 of 2016

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1. Arun Kumar Pandey and Ors
2. Dhrub Kumar Pandey Both sons of Late Ram Nandan Pandey
3. Ram Kumari Devi W/o Late Ashok Kumar Pandey
4. Pankaj Kumar Pandey
5. Payoj Kumar Pandey
6. Sanjeev Kumar Pandey All sons of Late Ashok Kumar Pandey All are residents of village - Marar, P.S. Belsand, District - Sitamarhi.

... ... Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Additional Member, Board of Revenue, Bihar, Patna.
3. The Collector, Sitamarhi.
4. The Additional Collector, Sitamarhi.
5. The Sub Divisional Officer, Belsand, Sitamarhi.
6. The Circle Officer, Belsand, Sitamarhi.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bhubneshwar Prasad, Adv.
For the Respondent/s	:	Mr. Raj Kishore Roy- Gp18

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
Date : 19-08-2025

Heard the parties.

(A) PRAYER:

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

> *(i) for issuance of an appropriate writ, order, direction to quash the order dated 19.09.2015 passed by Hon'ble Chairman of the Bihar Land Tribunal, Patna*

in BLT Case No. 239/2015 whereby and where under the Hon'ble Tribunal was pleased to dismiss the application filed on behalf of petitioners to grant of option under the provision of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961as which as already provided by the learned Additional Member Board of Revenue in District Sitamarhi Case No.50/1996 filed on the petition Under Section 32 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 by which petitioners were directed to approach the Collector, Sitamarhi for exercise of option for retaining the land of their choice in accordance with law.

(ii) to quash the order dated 16.03.2012 passed in Ceiling Case No.40 of 74/78 of 93 by the learned Additional Collector, Sitamarhi whereby and where under the petition dated 15.02.2010 filed on behalf of petitioners for exercise option under section 9 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 for retaining the lands of their choice in accordance with law and in pursuance of order dated 26.12.1997 passed by learned Additional Member of Board of Revenue in this case no. District

Sitamarhi No. 50/1996.

(iii) for issuance of an appropriate writ/order/direction granting any other relief or reliefs for which the petitioners are found entitled.

<u>(B) FACTS OF THE CASE:</u>

3. The facts of the case in narrow compass is/are as follows:

4. The petitioners are/were the land-holders claiming themselves to be owners of class IV lands. Pursuant to the order passed by the Collector, Sitamarhi on 26.06.1995 reopening the case under Section 45B of 'the Act', the Additional Collector, Sitamarhi after proper enquiry vide an order dated 10.10.1995 while allowing 30 acres each of class IV lands to Ashok Kumar Pandey and Arun Kumar Pandey beside 20 acres to Dhurub Kumar Pandey, declared 36.38 acres out of 126.38 acres land to be surplus (Annexure-4 to the petition).

5. Aggrieved, the landholders filed objection under Section 10(3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (henceforth for short 'the Act'). The Additional Collector, Sitamarhi took up the matter and vide an order dated 22.12.1995 though accepted some objections, finally declared 24.11 acres of land surplus and

gave direction for final publication under Section 22(1) of 'the Act' (Annexure 5 to the petition).

6. The landholders filed Land Ceiling Appeal No. 02 of 1996 before the Collector, Sitamarhi who vide an order dated 03.06.1996 rejected the appeal and affirmed the reasoned order dated 22.12.1995 passed by the Additional Collector, Sitamarhi (Annexure 6 to the petition).

7. The matter went upto the Board of Revenue, Bihar in **Revision Case No. 50 of 1990** which was dismissed on **26.12.1997** (Annexure 7 to the writ petition). It is relevant to incorporate the concluding paragraph as the petitioners wanted to get a leaf out of it at later stage.

> *I have perused the impugned orders and all relevant documents. The Add. Collector by his impugned order has examined these points in considerable detail. Four units in all have been allowed in favour of Ram Nandan Pandey, Ashok Kumar Pandey, Arun Kumar Pandey and Chandrakala Devi. No unit has been granted for Dhurub Pandey who on 09.09.70 was a minor and therefore under the existing Ceiling Act was not entitled to a unit. The question of transfer of land to different persons above has also been examined by the learned lower Courts. The transfers*

made were contravention of the Celing Act with malafied intention and therefore the question of excluding those transfer of land from the total land held by the petitioners for the purposes of calculation of ceiling merits no consideration. The plea for exclusion of land acquired by the Govt. for construction of river bandhs and roads is not renable because the owners are entitled for suitable compensation under the relevant Act.

In respect of classification of 39.16 acres of land falling within bandhs of Bagmati river into class V has been turned down by the learned Addl. Collector correctly as no evidence was adduced and there is no reason to interfere with that. He has held that this plea has been taken only to defeat the provisions of the ceiling law. In respect of 0.67 acres of land belonging to Sheikh Iswail and Hari Shankar Singh alias Hari Narayan Singh, no proof has been given and therefore the claim is to exclude that area from the total land held by the petitioners is rejected. Dhurub Pandey, the youngest son of Ram Nandan Pandey was major while his father died in 1983 and according to the Hindu inhertence law, he is entitled to share I.3. 10 acres of land from his deceased father.

In view of the above discussions,

there is no justification to interfere with the orders of the learned Collector which is upheld and the revision petition is dismissed. Status quo granted by order dated 26.07.1996b is vacated.

The petitioner may approach the Collector, Sitamrhi for exercise of option for retaining the land of their choice in accordance with law in this behalf.

Inform the concerned parties immediately.

8. The litigation continued, the petitioners kept on visiting different Courts starting with the Patna High Court when **CWJC No. 2912 of 1998** was preferred. It came to be dismissed on **10.09.1998** with an observation that if the lands were transferred by the original land-holders in between 05.05.1981, it cannot be treated to be land selected by other land holders (Annexure 8 to the petition).

9. The concluding paragraph read as follows:

The appeal and then the revision theereafter prefered by the petitioners were rejected by the Impugned orders, as constained in Annexure-6 & 7 to the writ petition.

According to the counsel for the petitioners, in terms with section 2(G), the mortgagres separate land holders and their *lands should not have been clubbed for the purpose of ceiling proceeding against the land holder Ramanandan Pandey or the members of the land holder's family and the same should have been excluded from the proceeding.*

The aforesaic submission cannot be accepted as the mortgagees themselves became land holder in view of transfer of such lands which had already beet made in favour of mortgagees on 2nd of August, 1972 and 4th of August, 1972. Such transfers having made after 9/09/1970 with or without permission, are to be treated as lands selected by the land holders for the purpose of retention of their lands within their celling unite in terms with Section 9(2) of the Ceiling Act.

So far as the the lands transfered in between 5/05/1981 and reopening of case are concerned, such transfers of lands should be treated to have been selected by the transferer-land holders for the purpose of retaining the same within their ceiling units in terms with the aforesaid provision of section 9(2) of the Ceiling Act. However, if it was transferred by original land holder then it cannot be treated to be land selected by other land holders.

In the counter affidavit, it has been

stated that the mortgaged lands were excluded from the purview of ceiling proceeding which wan the reason to reopen the case Under Section 458 thereof. It has further been stated therein that the lands transferred by landholders have been treated to be land selected by them within their ceiling unit in terms with section (2) of the Ceiling Act.

In view of the aforesaid stand taken by the Respondents State, I find no reason to interfere with the impugned order. If any notification has been issued U/S 15(1) of the hat contrary to the scoressio stand of the Respondents and the observation of this Court. The petitioners may bring the same to the notice of competent authority for modification of the same.

The writ petition is, accordingly, dismissed with aforesaid observation.

(Annuexure-8 to the writ petition)

10. Aggrieved, **LPA NO. 1173 of 1998** was filed which too was dismissed on **29.01.1999** by the Division Bench headed by the then Hon'ble the Chief Justice holding that the order under appeal cannot be faulted on any of the points urged in this appeal. The relevant paragraphs read as follows:

The concept of ownership or title is well known and it is also well settled in law *that a mortgage does not divest mortgager of title in the land mortgaged. Further as noticed earlier, admittedly the lands under mortgage were subsequently and after the appointed date transferred in favour of the mortgagees. Hence, it has been rightly held by the learned writ court that such lands will be deemed to have been selected by the land-hoider within its ceiling area in terms of Section 9(2) of the Act.*

The next point urged in this appeal was with regard to the lands transferred in between 05.5.1981 and reopening of the case. The stand of the Respondent-State that such transferred lands will also be covered by the provision of Section 9(2) of the Act has been accepted by the learned writ court.

Assailing the aforesaid view of the learned writ court learned counsel for the appellants relied upon an unreported judgement of this Hon'ble Court dated 8th November, 1977 in C.W.J.C. No.509 of 1977 (Ramjanki Prasad and another Vs. The State of Bihar and others). The said judgement has no application to the facts of this case because in the said case the State had resorted to treating the transfers made between the first proceeding and subsequent ceiling proceeding initiated on account of amendment in the Act as illegal and had annulled the transfer under Section 5(1) (iii) of the Act. At the instance of *the transferee such order of annulment was quashed on the simple ground that no ceiling proceeding was pending at the time of transfer and hence Section 5(1) (iii) was not attracted. In this case there has been no order of annulment and the validity of the transfer has not been affected and hence in such a situation the provisions of Section 9(2) of the Act have rightly been applied.*

Thus, the order under appeal cannot be faulted on any of the points urged in this appeal and, accordingly, this appeal is dismissed.

(Annexure 9 to the writ petition)

11. The petitioners thereafter moved before the Hon'ble Supreme Court in **SLP (C) No. 1771 of 2000/Civil Appeal No. 7770 of 2001** which too was dismissed on **09.05.2008** after observing that the appellants were afforded adequate opportunity before passing the order declaring certain lands as surplus lands and all the relevant aspects having been duly considered by the hierarchy of revenue authorities as well as High Court, we do not find any valid ground for interference (Annexure 10 to the petition).

12. Important paragraphs of the order dated 09.05.2008 of the Hon'ble Supreme Court is/are incorporated hereinbelow:

4) Heard Mr. Lakshmi Raman Singh, learned counsel for the appellants and Mr. Gopal Singh, learned counsel appearing for the respondent-State.

5) The only point for consideration in this appeal is whether the appellants have made out a case for interference in the impugned order of the Division Bench of the High Court and earlier orders of Revenue Authorities?

6) Learned counsel appearing for the appellants mainly contended that after inordinate delay of 14 years, the Collector was not justified in re-opening a concluded proceeding in

Section 9(2) Where the land held by the land-holder includes land transferred by him in accordance with or in contravention of the provisions of clause (ii) of sub-section (1) of section 5, the land so transierred in accordance with or in contravention of clause (ii) of sub-section (1) of Section 5 shall, to the extent of the ceiling area admissible to the land holder, be deemed to have been selected by him for retention within the ceiling area, and where the total area of such land is less than the ceiling area admissible to him, the land holders shall select the balance of ceiling area from his remaining land:

Provided that where the land SO transferred in accordance with or in *contravention of clause (ii) of sub-section (1) of Section 3 is equal to or more than the ceiling area admissible to him and if because of the selection under sub-Section (2) the land holder's homestead cannot be trained within his ceiling area, the land holder may be permitted to hold his homestead subject to a maximum limit of two acres only."*

"Section 45-B- State Government to call for and examine records- *The State Government [or the Collector of the dist4rict who may be authorized on his behalf] may, at any time, call for and examine any record of any proceeding disposed of by a Collector under the act and may, if it thinks fit, direct that the case be reopened and disposed of afresh in accordance with the provisions of the Act.*

"Omitted by Act 8/97."

8) Insofar as the first contention regarding re-opening of the case under Section 45-B of the Act is concerned, it is seen that the District Collector, finding fault with the disposal of the case, re-opened the case after issuance of show cause notice and after hearing the objection of the land holders. A reading of the above provisions, mainly Section 45-B, makes it clear that after affording an opportunity to the land holder, the Collector of the District (since omitted by Act No.8/97) or the State Government call for *and examine any proceeding and direct the case to be re-opened and dispose of afresh. In absence of any time limit, the action taken by the Collector in order to ascertain the actual/eligible land holdings, cannot be faulted with. However, the said provision mandates that aggrieved person must be afforded an opportunity by way of show cause notice. It is seen from the order of the Additional Collector, the show cause notice was issued to the land holder and they were heard on the point of draft publication prior to passing of the order. The order further shows that the enquiry report was received from the Circle Officer, Belsand, regarding the partition taken place between the members of the family of the lard holders. The order further shows that after taking into consideration all the relevant facts, the order regarding the draft publication was passed on 10.10.1995. Accordingly, we reject the contention of the appellants.*

9) Coming to the other contention, it is seen from the materials that Ram Nandan Pandey and Rajendra Pandey on

Collector of the District (since omitted by Act No.8/97) or the State Government call for and examine any proceeding and direct the case to be re-opened and dispose of afresh. In absence of any time limit, the action taken by the Collector in *order to ascertain the actual/cligible land holdings, cannot be faulted with. However, the said provision mandates that aggrieved person must be afforded an opportunity by way of show cause notice. It is seen from the order of the Additional Collector, the show cause notice was issued to the land holder and they were heard on the point of draft publication prior to passing of the order. The order further shows that the enquiry report was received from the Circle Officer, Belsand, regarding the partition taken place between the members of the family of the lard holders. The order further shows that after taking into consideration all the relevant facts, the order regarding the draft publication was passed on 10.10.1995. Accordingly, we reject the contention of the appellants.*

9) Coming to the other contention, it is seen from the materials that Ram Nandan Pandey and Rajendra Pandey on 11.2.1966 had mortgaged 6 Bigha 15 Katha and 6 Bigha 4 Katha 10 Dhur to Md. Kuddus and Md. Alam respectively and both the land holders executed registered sale deeds in favour of the mortgagees on 4.8.1972 and 2.8.1972 respectively. It further shows that at the time of passing of the order of draft publication, the issue had already been discussed at length and the title of the land was not transferred. The mortgaged land is essentially considered as *the land of the land holder. In those circumstances, the mortgage of the land in 1966 cannot be considered as a transfer prior to 9.9.1970. Admittedly, the lands were transferred by registered sale deed after 9.9.1970 and the title has passed only thereafter.*

10) As per the provisions of Sectior: 18 read with Section 2(eee) of the Act, Ashok Kumar Pandey and Arun Kumar Pandey were allowed to retain 30 acres of Class IV land each by treating them major on 9.9.1970 and both the land holders have inherited 10 acres each after the death of their father. After coming into force of the Act, no person can hold the land beyond the ceiling limit after the appointed day i.e., 9.9.1970.It is further seen that Ashok Kumar Pandey hos inherited 10 acres of land from his father and after the death of his father he was holding 40 acres of land. Similar situation was there in the case of Arun Kumar Pandey. Taking note of all these relevant materials. the Additional Collector, by proceedings dated 22.12.1995, arrived at a conclusion that an extent of 24.11 acres of land is left as surplus and declared the same as surplus land.

11) The abovementioned erder of the Additional Collector was duly considered by the Collector and by order dated 3.6.1996 after finding no error, he refused to interfere *and dismissed the appeal. The revision filed against the order of the Collector was heard by the Board of Revenue. The Additional Member of the Board also considered the relevant materials including the orders passed by the Additional Collector, Collector and other documents and concurred with the decision. In fact, the Board has permitted the appellants herein to approach the Collector for exercise of option for retaining the land of their choice in accordance with law.*

12) Dissatisfied with the order of the Revenue Authority, the appellants took the matter to the High Court. The learned single Judge correctly concluded that transfers made on 2.8.1972 and 4.8.1972 having been made after 9.9.1970 with or without permission be treated as lands selected by the land holders for the purpose of retention of their lands within their ceiling units in terms of Section 9(2) of the Act and dismissed their writ petition. The said order of the learned single Judge was confirmed by the Division Bench.

13) As pointed out earlier, in view of Section 45-B of the Act. and the fact that the transfers of land in favour of mortgagees on 2.8.1972 and 4.8.1972 having been made after the notified date, i.e., 9.9.1970 without prior permission from the authority concerned, the same are to be treated as lands selected by the land holders for the

purpose of retention of their lands within their ceiling units and consequently, the orders of Revenue Authorities cannet be faulted with. It is also not in dispute that the show cause notice was issued to the appellants and thereafter after affording a further opportunity, an order was passed determining their surplus land.

14) In view of the statutory provisions and of the fact that the appellants were afforded adequate opportunity before passing the order deciaring certain lands as surplus lands and all the relevant aspects having been duly considered by the hierarchy of revenue authorities as well as the High Court, we do not find any valid ground for interference. Consequently, the appeal fails and the same is dismissed. There shall be no order as to costs.

(emphasis added)

13. The petitioner once again tried to test the order of Hon'ble Supreme Court by filing **Civil Appeal No. D 18862 of 2008 in Civil Appeal No. 2770 of 2001** which too was dismissed on **23.09.2008** (Annexure 11 to the petition).

14. Meanwhile, the notification under Section 15(1) of 'the Act' was published vide **notification no. 1538 dated 19.08.2008** as the matter came to rest after dismissal of the case of the petitioners up to the Hon'ble Apex Court in SLP (C) No.

1771 of 2000/Civil Appeal No. 7770 of 2001 on 09.05.2008 (Annexure 12 to the writ petition).

15. However, the petitioners were not in a mood to part with their surplus lands. They filed **Misc. Case No. 03 of 2008** before the Hon'ble Miniter, Revenue and Land Reforms Department, Bihar for the reopening of case under Section 45B of 'the Act'.

16. The Hon'ble Minister took up the matter and vide an order dated **10.05.2010** after taking note of the facts as well as different orders up to the Hon'ble Apex Court, held that no case is made out for the reopening of the case. It was accordingly rejected (Annexure 13 to the petition).

17. Thereafter, the petitioners opened a new avenue and wanted the respondents to allow them to choose the lands to be retained by them. Accordingly, on 15.12.2010, a petition was preferred before the Additional Collector, Sitamarhi with a prayer that they should be allowed to exercise option for retaining the lands of their choice in the ceiling units allotted to them. The ground taken for seeking an option was that while dismissing Revision Case No. 50 of 1996 on 26.12.1997, the Board of Revenue had allowed option to be exercised. The same came to be dismissed on 16.03.2012 (Annexure-14 to the

petition).

18. It is to be noted that the said order was passed by the Board of Revenue on 26.12.1997. The petitioners thereafter being dissatisfied with the order challenged the same and lost up to the Hon'ble Supreme Court a decade later which followed final publication under Section 15(1) of 'the Act. The move to get the case reopened under Section 45B of 'the Act' too was dismissed on 10.05.2010. The petitioners preferred **CWJC No. 1705 of 2015 (Arun Kumar Pandey & Ors. Vs. State & Ors)**, it was dismissed as withdrawn on 29.01.2015 granting liberty to the petitioners to move before the Bihar Land Tribunal (henceforth for short 'the B.L.T.') (Annexure 16 to the writ petition).

19. Thereafter, they moved before the **Bihar Land Tribunal in BLT Case No. 239 of 2015 (Arun Kumar Pandey & Ors. vs. the State of Bihar & Ors.)**. 'The B.L.T.' dismissed it on **19.09.2016** and it is important to incorporate **paragraphs 5 to 7** of the order which read as follows:

> ***5.*** *Having lost their case before all forum the petitioner filed petition dated 15.12.2010 before the Additional Collector, Sitamarhi with a prayer that they should be allowed to exercise option for retaining the lands of their choice in their ceiling unit.*

The Additional Collector considering the case of the petitioner rejected it vide order dated 16.12.2001

on the ground of their non appearance on many dates. It has been stated by the petitioners that the petitioners appeared before the Additional Collector on 29.12.2010 and 14.1.2011, but subsequently due to illness of Dhrub Kumar Pandey they could not appear in the said case and no pairvi could be made. It has also been stated that the petitioners have no knowledge about the order dated 16.3.2012. Only after the recovery of Dhrub Kumar Pandey on 10.12.2014 the petitioners filed a chirkut for obtaining certified copy of the order which was supplied to them on 15.12.2014. In this circumstances the petitioners again moved before the Hon'ble High Court and filed C.W.J.C.No.1705 of 2015 which was disposed of giving liberty to the petitioner to move before the Bihar Land Tribunal and thus the present application has been filed.

***6.** A counter affidavit has been filed by the State in which it has been stated that the land holders were allowed to retain 70 acres of land, 30 acres to Ashok Kumar Pandey, 30 acres to Arun KumarPandey and 10 acres to Dhrub Kumar Pandey out of total 126.38 acres. The land holder had* *transferred 1.32 and 27 acres of land. Out of this 1.37 acres were transferred prior to 9.9.70 and 0.90 acres were the residential land which were deducted still 24.11 acres land were found to be surplus and direction was issued for publication of gazette under Section 11(1) of the Act. The appeal and revision preferred by the petitioners were also dismissed. In the mean time petitioners filed application before the Hon'ble High Court, the Supreme Court and those applications were also / dismissed. Finally gazette notification under Section 15(1) of the Act was published and the Circle Officer was directed to distribute the land vide notification contained in Memo no.1538 (Rev) dated 19.8.2008. The land holder thereafter filed an application on 15.12.2010 for exercising option under Section 9 of the Ceiling Act. More than one opportunity was given to the petitioners for submitting the list of the lands desired to be retained by them, but the petitioners did not appear for pursuing their application on different dates neither submitted the list of desired lands. In the facts and circumstances their application dated 15.2.2010 was rejected by the Additional Collector, Sitamarhi vide order dated 16.12.2010. The Subdivisional Officer, Belsand thereafter directed the Circle*

Officer to distribute the land acquired as surplus amongst the beneficiary vide Memo no.449/Revenue dated 27.3.2012. The only intention of the petitioners is of lingering the matter and to keep the land in question un distributed for long time, despite the fact that they are no more entitled for retaining these lands.

7. On consideration of the entire materials before me I find that the petitioners have made all efforts but every where they lost their case. Despite all these, proper opportunity had been given to them by the Additional Collector for submitting the list of lands they want to select and retain in their unit, but that opportunity was also not availed by them. For some time the matter remained pending on this ground also. The petitioners have not been able to make any good ground for interfering in this matter as such the prayer made by them in this application can not be allowed. This application is dismissed.

(emphasis added)

20. Still aggrieved, the present writ petition.

(C) PETITIONER'S CASE:

21. Learned counsel for the petitioners submit that in view of the order passed by the Board of Revenue in the year

1997, the petitioners were entitled to have an option, though on the dates fixed by the Additional Collector, due to illness, they could not present themselves, that could not have been a ground for the Additional Collector, Sitamarhi to reject the claim. Thus, they are entitled for the option and 'the B.L.T.' clearly erred in discussing the petition.

(D) STATE's CASE:

22. Learned State Counsel on the other hand submits that a perusal of the order passed by the Board of Revenue would show that it was passed in the year 1997. The revision petition was dismissed, the stay granted was vacated, however, it was only observed that if the petitioner so want, can choose options. The submission is that the petitioners instead of exercising option, fought the battle right from Patna to Delhi, lost at all the stages, this followed the notification under Section 15(1) of 'the Act' in the year 2008. They, thereafter unsuccessfully tried to get the matter reopened under Section 45B of 'the Act'. Once the same was dismissed on 10.05.2010, only to continue the litigation, this modus operandi was adopted. The contention is that they cannot turn around on the 1997 order to have an option once the notification stands issued under Section 15(1) of 'the Act'. However, even then, the

Additional Collector, Sitamarhi gave an opportunity which they failed to avail. As such, the writ petition be dismissed with cost.

(E) <u>FINDINGS:</u>

23. This Court has recorded all the facts of the case leading to the notification that was issued under Section 15(1) of 'the Act' in the year 2008. It is to be noted that at every stage, the petitioners got an opportunity and only thereafter the 15(1) notification issued. The petitioners unsuccessfully tried to get the matter re-opened by filing petition before the Hon'ble Minister, Revenue and Land Reforms Department, Bihar was dismissed on 10.05.2010. Only thereafter, the petitioners harped upon the Board of Revenue's order in the year 1997 and tried to resolve the issue in the garb of an option. Clearly, the purpose of the petitioners is/are to anyhow save the lands by keeping the litigation for an infinite period and in that background, despite the passage of half a century, this land ceiling case is still continuing.

24. Lots of water has flown down the ganges after the Board of Revenue's order passed in the year 1997 inasmuch as their writ petition, the appeal, the Special Leave Petition as also Review Petition were dismissed by the Patna High Court and Hon'ble the Supreme Court which followed notification under

Section 15(1) of 'the Act'. The Hon'ble Minister, Revenue and Land Reforms, Bihar too dismissed the prayer for the reopening of the case under Section 45 of 'the Act'.

25. The petitioners are clearly abusing the process of law and the time has come to put the same to an end. This Court do not find any fault in the reasoned order passed by 'the B.L.T.'. The writ petition is accordingly dismissed with a cost of Rs. 5,000/- to be paid to the Chief Minister Relief Fund in next four weeks. Failure to do so, the steps be taken for the realization of the amount from the petitioners in accordance with law.

(Rajiv Roy, J)

Vijay Singh/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	22.08.2025
Transmission Date	