

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17305 of 2016

1. Mahendra Rishideo Son of Late Asarfi Rishideo
2. Most. Belachhani Devi Wife of Rahul Ram Both are residents of Village - Damgara, P.S. - Dhamdaha, District - Purnea.
3. Shyamdeo Ram
4. Basudeo Ram Both sons of Late Hardeo Ram Both are residents of Village - Damgara, P.S. - Dhamdaha, District - Purnea.
5. Jagdish Rishideo Son of Late Lalji Rishideo
6. Tej Narayan Urao Son of Late Manga Uraon
7. Mostt. Champa Devi Wife of Late Dular Chand Rishideo
8. Pramila Devi Wife of Narayan Rishideo All are resident of Village - Bhotia, P.S. - Dhamdaha, District - Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Purnea.
3. The Sub-Divisional Officer, Dhamdaha, District - Purnea.
4. The Deputy Collector of Land Reforms Dhamdaha, District - Purnea.
5. Satya Narain Mehta Son of Late Jagat Lal Mehta resident of Village - Damgara, P.O. - Damgara, P.S. - Dhamdaha, District - Purnea.
6. Kailash Mehta Son of Late Anandi Mehta resident of Village - Damgara, P.O. - Damgara, P.S. - Dhamdaha, District - Purnea.
7. Dilip Mehta Son of Late Anandi Mehta resident of Village - Damgara, P.O. - Damgara, P.S. - Dhamdaha, District - Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate
	:	Mr. Mukesh Kumar Jha, Advocate
For the Respondent/s	:	Mr. Dhurjati Kumar Prasad, GP-14

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-08-2025 Heard Mr. Bhola Prasad, learned counsel for the

petitioners and learned counsel representing the State.

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

“for issuance of writ of mandamus or



any other writ/writs order/orders, direction/directions commanding the respondents not to disturb the possession of the petitioners form the land fully described in para-4 to this writ application which has been settled in favour of the petitioners or their producers in the year 1989 under the provisions of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 after its acquisition and have been in possession of since then.

Petitioners further pray to quash the notification under section 11(1) and 15(1) of Land Ceiling Act dated 17.05.2010 and 23.02.2011 respectively issued by the Collectorate, Purnea to the extent of land settled to the petitioners as the land allotted to them has been de-notified by the said notification and included in the unit of Landlord or allow any other appropriate life to the petitioners, which may deem fit and proper as the petitioners are poor landless persons and their livelihood is



going to be snatched after more than 25 years.”

3. A counter affidavit has come on behalf of the respondent according to which, once the land was declared surplus, the ‘parcha’ was granted to the petitioners.

4. However, the landholders successfully challenged the said notification before Patna High Court in CWJC No. 9237 of 1988 whereafter the land in question was allowed to be retained by the landholders under permissible units pursuant to the fresh notification under section 11(1) published on 17.05.2010 and notification under section 15(1) vide notification no. 3080 dated 23.02.2011.

5. Learned counsel for the petitioners submit that since they were once allotted the land, the respondents are duty bound to settle them somewhere else preferably on the land of the said landholder which were declared surplus in the new notification dated 23.02.2011. He has taken this Court to an order of Patna High Court on the same land in the case of Arbind Paswan & Anr. (CWJC No. 19919 of 2010) and analogous cases in which vide an order dated 06.04.2016, the coordinate Bench directed the respondents to take a decision.

6. Paragraph no. 6 and 7 of the aforesaid order read as follows:



6. In above view of the matter, the petitioners of both the writ petitions are hereby directed to appear before the District Collector, Purnea with their comprehensive representations for redressal of their valid grievances with a certified copy of the present judgment within a period of two months from today. If some other plots of land originally belonging to the landholder(s) have been declared surplus and have been acquired by the State of Bihar under Section 15 (1) of the Land Ceiling Act, then the respondent District Collector, Purnea either himself or any other competent authority, as per his direction, shall consider the claims of the writ petitioners and if the lands so declared surplus have not been distributed, then the claims of the petitioners of both the writ petitions shall be appropriately considered under Section 27 of the Land Ceiling Act at an early date preferably within a period of three months from the date of filing of such representations by the petitioners.



7. In the result, both the writ petitions stand finally disposed of with the observations and directions made above.

7. In that background, with the consent of parties, the writ petition stands disposed of allowing the petitioners to approach the Collector, Purnea (respondent no.2) afresh who shall be taking into account the entire facts, earlier settlement as also the order of the coordinate Bench in the case of Arbind Paswan (supra) and a final decision shall be taken by 31st December, 2025.

8. Needless to add, if the order comes in favour of the petitioners, they be rehabilitated by 31.03.2026.

9. This order has been passed on the background of the fact that the petitioners have not been issued a fresh 'parcha' and if the same has been done, no further action is to be taken in the matter.

10. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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