

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13387 of 2018**

Onkar Prasad Mahto @ Om Kumar Singh S/o Late Ram Chandr Parsad Mahto @ Sri Prasad Mahato R/o Village- Amarpur, P.O.- Amarpur, Police Station- Mealani Chouki, District- Lakhisarai

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Revenue & Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Land Reforms, Government of Bihar, Patna
3. The Divisional Commissioner, Munger
4. The Collector, Lakhisarai

... .. Respondent/s

**Appearance :**

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

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

6      05-05-2025                      Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for the following reliefs:-

*For issuance of Writ of Certiorari and to quash the Order dated 23/02/2018 passed by Respondent No. 3, the Divisional Commissioner, Munger in Land Ceiling Appeal No. 13/2018 as contained in Annexure 4 whereby the learned Commissioner has dismissed the Appeal as time barred without considering Limitation Petition filed by the petitioner and also for quashing order dated 30/03/2015 passed by*



*Respondent No. 4 Collector, Lakhisarai in Land Ceiling Case No. 35/75-76/35/95-96 as contained in Annexure 1 whereby and where under he has dismissed the claim of the land holder with respect to 112.05 acre land situated in District- Lakhisarai and also for direction to the respondents not to interfere with the peaceful possession of the petitioner in respect of land involved in Land Ceiling Case.*

3. Learned counsel for the petitioner submits that the order under challenge, dated 23.02.2018, has been passed solely on technical grounds, that the appeal was filed with delay. Counsel further submits that this Hon'ble Court had earlier passed an order on 16.12.2016 directing the petitioner to file the appeal within four weeks, however, the said appeal was filed only on 09.02.2018. The Appellate Court, i.e., the Commissioner, Munger, rejected the appeal solely on the ground that it was time-barred.

4. Counsel further submits that in the present case, a total of 553 acres and 98½ decimals of land was the subject matter of the Ramjanki Laxmanji Maharaj Trust. Out of this, Class-V land, i.e., 37.5 acres per unit, totaling 112.5 acres (37.5 × 3 = 112.5 acres), was exempted, and the remaining 441.93 acres was declared surplus.



5. Counsel also submits that under the provisions of the Land Ceiling Act, it is the landlord who has to provide the opportunity to indicate which land he wants to be exempted from the ceiling. However, that opportunity was not granted to the petitioner due to the dismissal of Land Ceiling Appeal No. 13 of 2018.

6. Learned counsel for the State, on the other hand, submits that the *sewat* of the said trust was Ram Chandra Prasad Mahto, and the present dispute is going on between his daughter and son. Both parties have filed title suits against each other. Title Suit No. 44 of 2001 has been filed by Ram Chandra Prasad Mahto's daughter, Bibha Singh, along with her husband, Anjani Kumar Singh, against the present petitioner. Whereas, Title Suit No. 16 of 2002 has been filed by the present petitioner against Bibha Singh, wife of Anjani Kumar Singh.

7. Learned counsel further submits that due to the on going dispute between them, the District Magistrate, Lakhisarai, has already decided that, with regard to the 112.05 acres of land, that the decision of Title Suit Nos. 44 of 2001 and 16 of 2002 shall be binding.

8. After hearing the parties, it transpires to this Court that the State is entitled to only 441.93 acres of land, whereas a



total of 553 acres and 98½ decimals of land was notified on 16.08.1975. However, the final publication under Section 11 has to be made according to the entitlement of the State and the entitlement of the Ramjanki Laxmanji Maharaj Trust. Both Title Suit Nos. 44 of 2001 and 16 of 2002 are pending for a different purpose, namely, to determine who shall be the *sewat* of the said trust. Therefore, the stand of the State that the scope of Title Suit Nos. 44 of 2001 and 16 of 2002 is identical to the land ceiling case is not correct.

9. It is for this reason, this Court hereby set aside the order dated 23.02.2018 passed by the Divisional Commissioner, Munger, (Respondent No. 3) in Land Ceiling Appeal No. 13 of 2018 (Annexure- 4), and directs the petitioner to implead Bibha Singh, wife of Anjani Kumar Singh, as a party in the land ceiling appeal. They shall jointly claim, on behalf of the Ramjanki Laxmanji Maharaj Trust, that 112.05 acres of land be exempted from the ceiling. The State is directed to specify 112.05 acres of land with its surrounding in favour of the Ramjanki Laxmanji Maharaj Trust.

10. It is made clear that, until the final disposal of Title Suit Nos. 44 of 2001 and 16 of 2002, the State/respondents, while deciding the land ceiling appeal, shall



also make the Bihar State Board of Religious Trusts (hereinafter referred to as the Board) as mentioned in Section 5 of the Bihar Hindu Religious Trusts Act, 1950 [Bihar Act 1 of 1951] as a party. Further, until the final disposal of the said title suits, the Board shall constitute a committee/trustee to manage and look after the affairs of the Ramjanki Laxmanji Maharaj Trust through such committee/trustee.

11. With this direction, the writ petition stands disposed off. The Registry is directed to forthwith communicate a copy of this order to the Board via email. The Commissioner is further directed to pass a fresh order, after condoning the delay, if any, in Land Ceiling Appeal No. 13 of 2018, in presence of parties and the Board.

**(Dr. Anshuman, J.)**

Aman Kumar/-

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