

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6801 of 2019

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1. Md. Qurban Ali S/o Late Darik Res. of Vill.- Channi, P.O.- Channi Doria, P.S.- Rauta, Anchal Baisa, Distt.- Purnia.
 2. Md. Sulaiman S/o Late Darik Res. of Vill.- Channi, P.O.- Channi Doria, P.S.- Rauta, Anchal Baisa, Distt.- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Collector Purnia
4. The Additional Collector Ceiling, Purnia.
5. The Sub- Divisional Officer Baisi, Purnia.
6. The Anchaladhikari Anchal Baisa, Distt.- Purnia.
7. Zainuddin S/o Sereajul Hque Res. of Vill.- Channi, P.S. Channi Doria, P.S.- Rauta, Anchal Baisa, Distt.- Purnia.
8. Sagam Lal Harijan S/o Late Udai Harijan Res. of Vill.- Channi, P.S. Channi Doria, P.S.- Rauta, Anchal Baisa, Distt.- Purnia.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shabbir Ahmad, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 26-06-2025 Heard learned counsel for the petitioners and learned counsel for the State.

2. The present writ petition has been filed for quashing Gazette Notification No. 2227 dated 31.01.1984, under Section 15 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 [Bihar Act 12 of 1962], hereinafter referred to as Act of 1961, and further for quashing Memo No. 1536 dated 28.12.2018, by



which the petitioners' land has been allotted to other persons.

3. Learned counsel for the State raised preliminary objection and submitted that the case of the petitioners is not maintainable at all on the ground that the proceedings of land ceiling have been initiated against the landholder by virtue of land ceiling case No. 1551 of 1973-74. Counsel further submitted that the said ceiling proceedings have crossed various stages, including under Section 11(1) of the Act of 1961, and subsequently, a gazette notification was initially issued in Gazette No. 272 dated 01.10.1983. Thereafter, the land was acquired by the State vide Notification No. 2227 dated 31.01.1984, published under Section 15(1) of the Act of 1961 in the extraordinary issue No. 103 dated 10.02.1984.

4. Counsel further submits that it is the specific stand of the State that after the acquisition of the land, it has been settled to different persons under Section 27 of the Act of 1961 by way of issuance of red cards. Counsel further submits that not all the red card holders have been made parties. Counsel also submits that subsequently, an amendment came to the Bihar Land Ceiling Act by virtue of the removal of the provision of appeal, i.e., Section 45B, in the year 2016, and as such, he submits that there is no scope left for the petitioners to challenge



the said notification and hence requests that the present writ petition be dismissed.

5. In the present facts and circumstances, the Gazette notification was issued in the year 1984 by the Collector vide Notification No. 2227 dated 31.01.1984, and the surplus land of the petitioners was acquired for public purposes. Thereafter, after a lapse of about 35 years, the present writ petition has been filed, particularly when an amendment has been made in the ceiling law removing the provision of Section 45B.

6. As such, this Court is of the view that no scope remains for the petitioners. Accordingly, the present writ petition stands dismissed.

(Dr. Anshuman, J.)

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