

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6109 of 2024

Chandan Kumar Garodia Son of Late Onkar Mall Garodia, Resident of Ward No. 30, Gali No. 1, Near Hospital Chowk, Sri Krishna Nagar, Police Station Town (Motihari), District East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Inspector General, Registration, Prohibition and Excise Department, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Muzaffarpur.
4. The Collector, East Champaran, Motihari.
5. The Additional Collector, East Champaran, Motihari.
6. The District Registrar, Motihari, East Champaran.
7. The District Sub-Registrar, District Registry Office, Motihari, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kant, Adv. Mr. Ashish Anand, Adv. Mr. Abhijeet Abhigyan, Adv.
For the Respondent/s	:	Mr. Vinay Kirti Singh, GA-2 Mr. Venkatesh Kirti. JC to GA-2

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 08-04-2025 1. Heard learned counsel for the petitioner and
learned GA-2 Shri Vinay Kirti Singh.

2. The learned counsel appearing on behalf of the petitioner submits that the issue which has arisen for consideration in the present case stands already decided in CWJC No. 4532 of 2024 (Ramacast Limited Vs. the State of Bihar & Others) by an order dated 07.04.2025. It is next submitted that the facts of the present case if not akin is similar



to the case of Ramcast Limited with minor variation.

3. The learned counsel appearing on behalf of the petitioner submits that petitioner had purchased 24 Bigha 16 Katha and 14 Dhur of land prior to 09.09.1970 from M/s Hanuman Sugar & Industries Limited, Motihari. In the year 1983, a land ceiling proceeding bearing Case No.3/1983-84 was initiated against M/s Hanuman Sugar & Industries Limited i.e. the vendor of the petitioner. It is further submitted that the purchased land of the petitioner was also included in the Land Ceiling Proceeding Case No.3/1983-84. It is next submitted that land ceiling proceeding came to be decided by an order of the Additional Collector (Ceiling), East Champaran, Motihari dated 15.01.1983, wherein the land of the land holder was declared surplus, which was affirmed by the Collector in Appeal vide order dated 17.06.1985 against which the revision filed before the Board of Revenue by the petitioner and the land holder also came to be dismissed.

4. It is next submitted that the original land holder filed CWJC No. 2976/1985, challenging the order of the Collector and the Board of Revenue passed in Ceiling Case No. 3/1983-84, further the petitioner herein filed CWJC No.2201/1986, assailing the order passed in the same ceiling



proceeding, while Ramcast Limited filed CWJC No. 1436/1986, assailing the order passed in the Ceiling proceeding, while other purchaser filed different writ applications. It is next submitted that CWJC No.2976/1985 filed by the original land holder was heard analogous with other writ applications including CWJC No.1436/1986 and CWJC No.2201/1986 along with other writ application. It is submitted that CWJC No.2976/1985 along with analogous cases came to be decided by an order dated 29.01.1997 by Hon'ble Division Bench of this Court (Annexure-P/1). It is further submitted that this Hon'ble Court by order dated 29.01.1997 in CWJC No.2976/1985 along with other analogous cases quashed the original appellate and the revisional order and also finding of the Additional Collector under Section 5 (i)(iii) of the Ceiling Act with a further direction to make a fresh inquiry regarding the transfer of land and thereupon to publish a fresh draft statement. It is next submitted that the order dated 29.01.1997 in CWJC No.2976/1985 along with other analogous cases made it clear that the land declared surplus in the ceiling proceeding shall not be transferred or disposed of until the ceiling case is finally disposed. It is submitted that the Additional Collector (Ceiling) vide order dated 28.06.1999 after making a fresh inquiry exempted the



land of the petitioner from the said ceiling proceeding holding the transfer of the land as a genuine transfer, as would manifest from Annexure-2 to the writ application and the name of the petitioner figures at serial number 10 of Annexure-2, at Page-51.

5. It is further submitted that thereafter the respondents put a restriction on registration of sale deed executed by the purchaser of the land from M/s Hanuman Sugar and Industries Limited, Motihari, as such, Ramcast Limited filed Civil Review No.410/2016 in CWJC No.1436/1986, which came to be decided on 27.10.2016 with an observation that pendency of ceiling proceeding against the land holder would not be an impediment in registering the land transferred by the petitioner (Ramcast Limited), as he cannot be allowed to wait till eternity, accordingly, the earlier order of the Hon'ble Division Bench i.e. the order dated 29.01.1997 in CWJC No.2976/1985 along with other analogous cases stood clarified.

6. It is submitted that the order dated 27.10.2016 in Civil Review No.410/2016 passed by the Hon'ble Division Bench was challenged by the State of Bihar before the Hon'ble Supreme Court by filing an SLP and the same was dismissed, as such, the order dated 27.10.2016 in Civil Review No.410/2016 attained finality.



7. It is next submitted that Ramcast Limited had earlier approached this Court by filing CWJC No.15326/2019 for quashing the restriction put on registration of his land measuring 32 bigha 15 katha and 14 dhur, which was decided by an order dated 26.09.2019 (Annexure-7) in favour of Ramcast Limited in terms of the judgment of Civil Review No. 410/2016 dated 27.10.2016, it was thereafter Ramcast Limited was able to alienate his property. It is submitted that Ramcast Limited was contemplating to sale the left over land by executing registered sale deed but again restriction was put on the land on the ground that fresh ceiling proceedings have been initiated and letter no. 1925 dated 19.07.2017 has been issued by the Collector, East Champaran, Motihari to the original landlord i.e. vendor of Ramcast Limited and the petitioner. It is submitted that vendor of the petitioner moved this Court by filing CWJC No.13941/2017, assailing the letter no.1925 dated 19.07.2017 issued by the Collector, East Champaran, Motihari initiating a fresh ceiling proceeding, in terms of Section 30(iv)(i) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.

8. It is submitted that this Court after hearing the learned counsel for the parties in CWJC No.13941/2017 was



pleased to allow the same vide order dated 08.08.2023 (Annexure-P/6) and quashed the notice issued by the Collector, East Champaran, Motihari contained in letter no. 1925 dated 19.07.2017.

9. The learned counsel appearing on behalf of the petitioner submits that what is not disputed rather stands admitted in view of the facts recorded hereinabove is that Ramcast Limited had filed Civil Review No. 410/2016 which was decided by this Court by an order dated 27.10.2016 clarifying that pendency of ceiling proceeding against the land holder would not be an impediment in registering the land transferred by the purchaser of the land from M/s Hanuman Sugar and Industries Limited, Motihari, as Ramcast Limited cannot be allowed to wait till eternity and the said order was upheld by the Hon'ble Supreme Court. It is thus submitted that Ramcast Limited had approached this Court by filing CWJC No.4532/2024 with a prayer to remove restriction on the registration of sale deeds already executed by petitioner (Ramcast Limited) company or to be executed in respect of the land purchased from Hanuman Sugar and Industries Limited, which having already been exempted/excluded from the ceiling proceeding bearing Land Ceiling Case No.1/1996-97 initiated



against M/s Hanuman Sugar and Industries Limited, Motihari vide order dated 28.06.1999 passed by the Additional Collector, Land (Ceiling), Motihari. It is submitted that Land Ceiling Case No. 1/1996-97 arose from Land Ceiling Case No. 3/1983-84. It is further submitted that this Court by an order dated 07.04.2025 in CWJC No.4532/2024 (Ramcast Limited vs. the State of Bihar & Others) had allowed the writ application for reasons stated therein with respect to 18 sale deeds which Ramcast Limited had executed with respect to their purchased land for being sold to different purchaser. The learned counsel for the petitioner next submits that it absolutely does not stand to reason that as to why restriction has been put on registration of sale deed when the law is clear that a purchaser either purchases property or litigation and if someone is interested in purchasing the property of the petitioner, the State should have no objection.

10. The learned counsel for the petitioner submits that in similar manner the authorities have put restriction on registration of sale deed already executed by the petitioner with respect to his purchased land from M/s Hanuman Sugar and Industries Limited, it is thus submitted that the present writ application be also disposed of in terms of the order dated 07.04.2025 in CWJC No.4532/2024.



11. The learned counsel appearing on behalf of the State does not object the said submission made by the learned counsel appearing on behalf of the petitioner and fairly submits that the case of this petitioner if not akin is similar to the case of Ramcast Limited but then submits that a counter affidavit has been filed, wherein it has been specifically pleaded that against the order dated 08.08.2023 in CWJC No.13941/2017, the State of Bihar has filed LPA No.959/2024, which is pending adjudication but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner the order passed in Civil Review No. 410/2016 has attained finality and the Ceiling case, which is pending arises from Ceiling Case No.3/1983-84.

12. After hearing the learned counsel for the parties, the writ application is disposed of in terms of order dated 07.04.2025 in CWJC No. 4532/2024.

13. It is made clear that none of the respondents authorities shall create any impediment in registration of the sale deed executed by the petitioner with respect to the land purchased from M/s Hanuman Sugar & Industries Limited in favour of the purchaser, as any impediment created by any authority shall amount to breaching the order of this Court



passed by the Hon’ble Division Bench in Civil Review
No.410/2016, as recorded hereinabove.

(Satyavrat Verma, J)

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