

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.138 of 2021

In
Civil Writ Jurisdiction Case No.8682 of 1996

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- 1.1. Smt. Saraswati Singh W/o - Late Ram Bilash Singh, Resident of Ward No. 12, Near Desh Ratan School, Harraikh, P.s. - Begusarai, District- Begusarai.
- 1.2. Saket Singh Son of Late Ram Bilash Singh, Resident of Ward No. 12, Near Desh Ratan School, Harraikh, P.s. - Begusarai, District- Begusarai.
- 1.3. Shashank Singh Son of Late Ram Bilash Singh, Resident of Ward No. 12, Near Desh Ratan School, Harraikh, P.s. - Begusarai, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Collector, Land Reforms, Begusarai.
3. The Anchaladhikari, Matihani, District-Begusarai.
4. Santosh Sharma, Son of Late Sadan Singh Sharma, Resident of Village-Harakh Kothi, Police Station Begusarai, District-Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Siya Ram Shahi, Advocate
	:	Mr. Abhishek Raj Kashyap, Advocate
	:	Ms. Shally Kumari, Advocate
For the State	:	Mrs. Nutan Sahay, AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 10-07-2025 Heard Mr. Siya Ram Shahi, learned counsel for the petitioner duly assisted by Mr. Abhishek Raj Kashyap and Mrs. Nutan Sahay, learned AC to AAG-12.

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

“for the review of the order dated

22.07.1997 passed by the Hon’ble Mr. Justice N.

Pandey (as his lordship then was) in CWJC No.

8682 of 1996.”



3. The claim of the petitioner is/was that in a case registered as **BT Case No. 2 of 1982-83**, the Deputy Collector Land Reforms, Begusarai vide its order dated 18.02.1985 declared the petitioner as 'Bataidar'. Further, a Land Ceiling Case No. 06 of 1973-74 was initiated against one Vishwanath Sharma which was bifurcated into six ceiling cases which included the land of the petitioner. Finally, notification under section 15(i) of the Ceiling Act was also issued.

4. The Circle Officer, Matihani on the direction of Additional Collector, Ceiling, Begusarai made recommendation for setting aside the order passed by the Deputy Collector Land Reforms, Begusarai. Thereafter, vide an order dated **13.12.1996**, the Collector, Begusarai in **Misc. Case No. 16 of 1996** set aside the order passed by the Deputy Collector Land Reforms, Begusarai in bataidari cases no. 37 and 38 of 1980-81 and 11 of 1981-82 beside other cases.

5. Against the said order, **CWJC No. 8682 of 1996** was filed which was allowed on **22.07.1997** directing them to approach under section 22 of the Ceiling Act. The petitioner never preferred any application and the contentiion is that as the land of Sadan Singh Sharma was not declared surplus no petition was filed. Instead, an application under section 48(D) of



the Bataidari Act before the Circle Officer, Matihani in which direction was given to file a proper petition under section 22 of the Ceiling Act.

6. This followed CWJC No. 11832 of 2005 (Ram Bilash Singh vs. The State of Bihar and Ors.). The Writ Court took up the matter on 19.06.2013 and having taken note of the aforesaid facts while informing him that he has alternate remedy in BT Act, the writ petition was dismissed.

7. A modification petition was filed which was again dismissed on 08.02.2014 in Misc. Case No. 4744 of 2013. For the record, it is to be noted that the Misc. Case No. 6 of 2016 (Ram Bilash Singh vs. The State of Bihar) preferred by the petitioner under section 22 (i) of the '1961 Ceiling Act' was rejected on 20.03.2018 by the Collector, Begusarai taking note of the fact that since no surplus land of the landholder has been declared, the representation of the petitioner cannot be entertained.

8. 21 years later, the petitioner preferred MJC No. 4922 of 2018 for modification of the order dated 22.07.1997. It was dismissed by a coordinate Bench on 17.02.2021 after observing that the same cannot be entertained and the petitioner can very well raise the points in appropriate forum in



appropriate proceeding in accordance with law.

9. The entire facts have been recorded starting from the order passed by the first Writ Court in the year 1997 to the decision taken by the respondent authorities which followed another Writ Court's order in the year 2013-14 as also the dismissal of the modification petition.

10. In the opinion of the Court, an order passed by the Writ Court in the year 1997 cannot be reviewed after a lapse of 28 years.

11. Accordingly, the civil review petition stands dismissed.

(Rajiv Roy, J)

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