

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8579 of 2015

Indu Shekhar Prasad Sinha S/o- Late Babu Brahamdeo Narayan Sinha, ORiginal resident of Village- Thatia @ Chakthat, P.S.- Rosera, Anchal- Rosera, District- Samastipur. At Present Ordinarily residing at "Indu Nivas", Park-Road P.S.- Kadam Kuan, Patna-800003.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Collector of the District, Samastipur.
3. Anchal Adhikari, Rosera, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar
For the Respondent/s : Mr. Ajay, Gal2

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 14-07-2025 Heard the parties.

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

i) The order dated 19.02.2015 passed by the Collector of the District- Samastipur (Respondent No. 2) in Land Ceiling Case No.01 of 1990-91 (State Versus Indu Shekhar Prasad Sinha) whereby and where under he dismissed the Case of petitioner.

(ii) For the direction to the Respondent Collector to consider and rely on the verification report (Annexure-1) dated 29.10.1990 sent by Respondent No.3 (Anchal Adhikari, Rosera) to Respondent No. 2 (Col-



lector, Samastipur) on the direction of Respondent No. 2 vide memo No. 1471 dated 22.09.90 and also to Consider and rely on the Report dated 18.11.93 (Ann- 2) of Anchal Adhikari No.- (Resp. 3) mentioned in para- 5 hereinafter which is the Case of State.

(iii) For the direction to the Respondent Collector (Respondent No.- 2) to treat the Anchal verification Report as Contained in Letter No.- 917 dated 29.10.90. (Annexure-1 here to) as the case of State and not allow the Resp. No. 2 to go against it.

(iv) For the direction to the Respondents 2 to treat petitioner's Son as major on the appointed day on the basis of Annexures 1, 2, 3, 4 & 5.

(v) For the direction to the Respondent holder no. 2 to accept the classification of the land of the petitioner - Land stated in verification enquiry report (Ann- 1 here to), which is the Case of the State and as Collector of the District (Resp. No. 2) cannot adopt a third case, which is neither of the petitioner nor of the state.

(vi) For restraining the Respondent No.-2 from using and relying upon the Entry of the Date of Birth in School entry (Admission) Register, as Conclusive evidence in the eyes of law for the ascertainment of the age of petitioner's son.



(vii) For the direction to the Resp. No. 2 to the effect that the entry of the date of birth in School register is not the conclusive evidence for ascertaining the age in the present matter which is well settled Law as held in AIR 1965 SC 288 (Brij Mohan Singh Vs. Priya Brat Narayan Singh) followed in 1997 (2) PLJR 477 (Balmukund Mandal Vs. State of Bihar).

(viii) For the direction to the Respondents that the land which has been gifted by the wife of the petitioner to her daughter Sudha Kumari vide a registered deed of gift dated 10.04.63 within permitted period u/s 5 (5) ceiling Act as it existed then cannot be clubbed with the land of the present petitioner consideration of ceiling area for of the petitioner as held in 1997 (2) PLJR 12 (Kumari Kiran Choudhary Vs. State of Bihar) as well in 1977 BBCJ 719 (Thakur Girija Singh Vs. Collector) Nandan and Subsequently this principle of Law has been reiterated by Apex Court & Hon'ble High Court in other similar cases.

(ix) For issuance of any other writ, order direction which may or appropriate be in the facts and Circumstances of the case.

3. Mr. Manish Kumar, learned counsel for the petitioner submits that since the sole petitioner is no more, liberty



be granted to his heirs to approach afresh if he/she/they so want.

4. Granting said liberty, the writ petition is disposed
of.

5. Any interim order in the matter stands vacated.

(Rajiv Roy, J)

Vijay Singh/-

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