

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14228 of 2025

Shivbrat Narayan Singh Son of Late Nageshwar Prasad Singh, Mothers
Name-Late Uma Devi Resident of Village-Dumra, Moja -Dumra P.S.-
Bhawanipur, District-Purnea.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary/ ACS, Department of
Land Revenue, Govt. of Bihar, Patna.
2. The Collector-Cum-District Magistrate, Purnea.
3. The Circle Officer, Bhawanipur, Purnea.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Yash Raj Bhardhan, Adv.
For the Respondent/s : Mrs. Binita Singh, SC-28

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-09-2025 The instant writ application has been filed under

Article 226 of the Constitution of India by the petitioner seeking

following reliefs:-

*(i) Whether the Notification No. 203/83, dt. 01-08-1983
issued by Collector, Bhagalpur issued u/s. 15 (1) of Ceiling Act,
1962 has any effect and force of law having it been set aside vide
order dt. 23-01-1996 passed in CWJC No. 2080/1984 by this
Hon'ble Court?*

*(ii) Whether the previous Jamabandi got restored or
not in view of setting aside of the Notification dt. 01-08-1983 by the
Hon'ble Court?*

*(iii) Whether rent receipts should have been issued in
favor of petitioner for the land in question, that is a purchased land
through sale deed dt. 10-10-1957 by the father of petitioner in the
name of his mother namely Late Uma Devi?*

*(iv) Whether inaction on part of the respondent
authorities in not taking further action in pursuance to order dt.*



23-01-1996 passed in CWJC No. 2080/1984, with regard to transferring files of Misc. Case No. 147/1983 to Collector, Purnea to take appropriate action, for inordinate long time, makes the said Misc. Case irrelevant, and null and void at present?

(v) Whether not challenging by the State Government to the order dt. 23-01-1996 passed in CWJC No. 2080/1984 before appellate forum, making the setting aside order absolute and which has full force of law till date?

(vi) Whether in the above stated circumstances, the relief as prayed for in this writ petition, is fit to be granted?

(vii) Whether right, title and interest of petitioner flowing from the registered sale deed is being affected by inaction on part of the State functionaries who are not issuing rent receipts and also not mutating the names of the legal heirs?

(viii) Whether the action or inaction of the State respondents in the facts and circumstances of the case is not violative of Article 14 and 300A of the Constitution of India?

2. Mr. Yash Raj Bhardhan, learned counsel for the petitioner submits that the land in question was purchased by the petitioner's mother, Late Uma Devi, through sale deed dated 10.10.1957 from the recorded tenant, Late Satyabhama, after paying the consideration amount of Rs. 12,500/-. Thereafter, the said land was recorded in the name of the petitioner's mother and Jamabandi Nos. 749 and 963 were also created in Register-II and since the date of purchase, the petitioner's mother and thereafter, the petitioner and other legal heirs have continued their peaceful possession over the land in question and that the partition took place in between the legal heirs of the petitioner's



mother vide Partition Suit No. 210 of 1972 and thereafter separate Jamabandi Nos. 749 and 963 were created, however, both the Jamabandis were cancelled later on in view of the provisions of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961. It is further submitted that the land in question does not fall within the purview of the ceiling process which was initiated under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, so, in this regard, a writ petition was filed by the petitioner's mother bearing CWJC No. 2080 of 1984 which was allowed and the notification dated 01.08.1983 relating to the land in question by which the land of the petitioner's mother was acquired, as surplus, was quashed and the Collector, Bhagalpur, was directed to transfer the Misc. Case No. 147 of 1983 filed by the petitioner's mother to the Collector, Purnea, however even after the lapse of more than 30 years, no step has been taken by the Collector, Bhagalpur to transfer the said case to the Collector, Purnea. The petitioner has been running pillar to post and recently sent a representation dated 29.10.2024 through registered post to the office of the Circle Officer, Bhawanipur and a copy of the same was also sent to the District Magistrate/Collector but even then no step has



been taken to comply with this Court's order passed in CWJC No. 2080 of 1984.

3. Heard both the sides and perused the relevant materials. It is very surprising that concerned Collector has not complied with this Court's order passed in CWJC No. 2080 of 1984 despite the lapse of several years, so, considering this aspect, the Collector, Bhagalpur is directed to comply with the order passed in CWJC No. 2080 of 1984 immediately within three weeks from the date of this order or receipt/ production of a copy of this order.

4. If the petitioner's mother's case record is not available and untraceable then steps for reconstruction of the same may be taken with the help of the petitioner or others.

5. Accordingly, the instant petition stands disposed of.

(Shailendra Singh, J)

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