

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13634 of 2024

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Sushil Kumar Poddar Son of Late Madan Lal Poddar Resident of Flat No. 4H,
Janki Mangal Enclave, East Boring Canal Road, Sri Krishna Nagar, Police
Station Buddha Colony, District- Patna.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kant Mr. Ashish Anand Mr. Pratik Kumar
For the Respondent/s	:	AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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| 3 | 16-05-2025 | 1. Heard learned counsel for the petitioner and learned
AC to GA-2 for the State.

2. The learned counsel appearing on behalf of the
petitioner submits that father of the petitioner purchased 24
Bigha 3 Katha 5 Dhur of land prior to 09.09.1970 from M/s
Hanuman Sugar & Industries Limited, Motihari vide Sale Deed |
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Nos. 3761 and 3760 respectively. In the year 1983, a land ceiling proceeding bearing Case No. 03 of 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. 03 of 1983-84. It is next submitted that the 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 father of the petitioner and the land holder also came to be dismissed.

3. It is next submitted that the original land holder filed CWJC No. 2976 of 1985, challenging the order of the Collector and the Board of Revenue passed in Ceiling Case No. 03 of 1983-84, further the father of the petitioner herein also filed CWJC No. 3807 of 1986 assailing the order passed in the same ceiling proceeding, while other purchaser filed different writ applications. It is next submitted that CWJC No. 2976 of 1985 filed by the original land holder was heard analogous with other writ applications including CWJC No. 3807 of 1986. It is



further submitted that CWJC No. 2976 of 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 of 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 also 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 further 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- P/2 to the writ application and the name of father of the petitioner figures at serial number 2 of Annexure-2, at Page 44.

4. It is further submitted that thereafter respondents put a restriction on registration of sale deed executed by



petitioner and others similarly situated like the petitioner in respect of the land exempted from the ceiling proceeding, as such, Civil Review No. 410 of 2016 in CWJC No. 1436 of 1986 was filed, it is submitted that CWJC No. 1436 of 1986 was taken up analogous with CWJC No. 2976 of 1985, it is next submitted that Civil Review No. 410 of 2016 in CWJC No. 1436 of 1986 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, 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 of 1985 along with other analogous cases stood clarified.

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



Champan, Motihari to the original land holder i.e. vendor of the petitioner. It is submitted that vendor of the petitioner moved before this Court by filing CWJC No. 13941 of 2017, assailing Letter No. 1925 dated 19.07.2017 issued by the Collector, East Champan, 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.

6. The learned counsel for the petitioner, Mr. Mukesh Kant, submits that this Court after hearing the learned counsel for the parties in CWJC No. 13941 of 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 Champan, Motihari contained in Letter No. 1925 dated 19.07.2017.

7. The learned counsel appearing on behalf of the petitioner next submits that despite as of date there being no impediment in executing registered sale deed with respect to the land purchased by the petitioner from his vendors but still the authorities for reason best known are not allowing the petitioner to execute sale deed with respect to his purchased land and have again put restriction on the registration of the sale deed already executed by the petitioner, which necessitated the filing of the instant writ application. It is submitted that it absolutely does



not stand to reason that as to why the authorities are bent upon harassing the petitioner when the Hon'ble Division Bench of this Court by an order dated 27.10.2016 in Civil Review No. 410 of 2016 has clearly held that pendency of ceiling proceeding against the land holder would not be an impediment in registering the land transferred by the petitioner, as he cannot be allowed to wait till eternity and the said order has been upheld by the Hon'ble Supreme Court also. It is also submitted that a purchaser either purchases property or litigation and if someone is interested in purchasing the property why the authorities are not allowing the petitioner to execute sale deed with respect to his purchased land. It is also submitted that petitioner has already executed several sale deeds in respect of the land as pleaded at Para-1(ii) of the writ application but then the same are not being registered, in view of the restriction put. It is further submitted that apart from the land which the petitioner has sold, apart from that still some lands are left with the petitioner which he intends to sell and there may be a possibility that when petitioner would intend to sell those lands, again the authorities will put the same restriction compelling the petitioner to move before this Court again seeking similar relief.

8. The learned counsel appearing on behalf of the



State is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner rather fairly submits that when the Hon'ble Division Bench of this Court by an order dated 27.10.2016 in Civil Review No. 410 of 2016 in CWJC No. 1436 of 1986 had recorded with clarity that there shall be no impediment in registering the land transferred by the petitioner then the authorities should not have created any impediment in registering the land, more so, when the notice issued by the Collector in the year 2017 initiating a fresh ceiling proceeding against the vendor of the petitioner was quashed by this Court in CWJC No. 13941 of 2017.

9. The Court appreciates the fair submission made by the learned counsel appearing on behalf of the State and thus for the present refrains from passing any adverse order against the authorities.

10. After hearing the learned counsel for the parties, the writ application is allowed.

11. 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 orders of this Court
passed by the Hon’ble Division Bench, as recorded hereinabove.

(Satyavrat Verma, J)

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