

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17390 of 2025

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Bishundeo Singh @ Visundev Singh Son of Late Nasib Ray @ Naseev Singh
Resident of Ward No.- 2, Village- Aliganj, Nirpur, P.S.- B. Kothi, Post-
Laukahi, Distt.- Purnea (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Collector of the District Purnea.
2. The Collector of the District, Purnea.
3. The Additional Collector, Land Ceiling, Purnea.
4. The Sub- Divisional Officer (S.D.O.) Sadar, Purnea.
5. Deputy Collector, Land Reforms Sadar, Purnea.
6. The Anchala Adhikari, B. Kothi, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Nath Jha, Advocate
		Mr. Sunny Kumar, Advocate
For the Respondent/s	:	Mr. Addl. Advocate General 13

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 14-11-2025 The instant writ petition has been filed by the

petitioner under Article 226 of the Constitution of India seeking

the following relief(s):-

*“ I. Directing the Respondents- authorities to
exclude the lands in question belonging to the petitioner
from the Gazette Notification No.- 3040 dated 13.09.2000
(Annx-P/4), published U/S 15(1) of the Bihar Land
Reforms (Fixation of ceiling Area and Acquisition of
Surplus Land) Act, 1961 (herein after referred to as the
Ceiling Act, 1961) and to notify a proper and fresh
Notification.*

*II. Modifying the Gazette Notification
Published U/S 15(1) of the Act vide Notification No. 3040
dated 13.09.2000 (Annx-P/4), so far as it relates to the*



lands of the present petitioner, and publish a new Notification U/S 15 (1) of the Act by excluding the lands in question, which had wrongly been declared surplus due to the clerical mistake of the Office of the authorities.

III. Directing the Respondents- authorities to notify a proper and fresh Notification U/s 15 (1) of the Act after excluding the lands in question from the Gazette Notification No.- 3040 dated 13.09.2000 (Annx-P/4) passed U/s 15 (1) of the Act.

IV. Holding and declaring that all the orders/Notifications, passed subsequent to the order of the Learned Collector dt. 31.05.1991 (Annx-P/1) passed in Ceiling Appeal No. 855 of 1990, are without jurisdiction and nullity in the eyes of law, as the same are not in consonance with the aforesaid order dt. 31.05.1991 (Annx-P/1) passed by the Learned Collector.

V. Holding and declaring that when learned Collector (Resp. No.-2) vide his specific order dt. 31.05.1991, passed in Ceiling Appeal No. 855 of 1991 (Annx- P/ 1) has already directed the petitioner to file option list for retaining his own lands, then there was no justification for the respondents-authorities to acquire the said lands from the optional list, and to declare those lands as surplus along with other lands of the petitioner vide Annx- P/4 hereto.

VI. Holding and declaring that the lower authorities had no jurisdiction to go beyond the order dt. 31.05.1991 (Annx-P/1) already passed by the learned Collector, Purnea, in Ceiling Appeal No. 855 of 1991, whereby the present petitioner had been allowed to exercise his option afresh. But the said order dt. 31.05.1991 (Annx-P/1) has not been complied with by the authorities till date, despite several reminders/representations submitted by the petitioner before the learned Collector as well as before other



concerned authorities.

VII. Directing the learned Collector, Purnea (Resp. no.-2) to dispose of the representation of the present petitioner submitted on 05.09.2022 U/S 47 of the Act, (Annx-P/5) as the same is still pending before the learned Collector, Purnea and also direct him to exclude the lands in question from Gazette Notification No.-3040 dated 13.09.2000 (Annx-P/4) on account of the fact that those lands are the part of the petitioner's Homestead lands/premises.

VIII. Restraining the respondents -authorities from dispossessing the petitioner from the lands in question, as detailed in para no.-4 herein below, which has illegally been declared surplus along with other lands of the petitioner.

IX. Granting any other relief/reliefs for which the petitioner may be found entitled to.”

2. Mr. Shashi Nath Jha, learned counsel appearing on behalf of the petitioner and learned Additional Advocate General-13 for the State-respondents are present and they are heard.

3. The main grievance raised by the petitioner in this writ petition is that his lands were included in Gazette Notification No. 3040 dated 13.09.2000, published under Section 15(1) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 but the Collector's order dated 31.05.1991 in Misc. Ceiling Case No. 855 of 1990 was not complied with, although the petitioner had



complied with the directions issued by the Collector in that appeal by giving his fresh option for retaining his own lands and even then the impugned Notification No. 3040 dated 13.09.2000 was issued. It is submitted by petitioner's counsel that though a long period has passed since the publication of that notice but the petitioner remained occupied in approaching the Revenue Authorities. In 2013, he filed Miscellaneous Land Ceiling Case No. 03 of 2013 under Section 45(B) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 before the Department of Revenue and Land Reforms, Government of Bihar, which was dropped on account of the repeal of Section 45(B), rendering the petitioner helpless. Thereafter, the petitioner filed repeated applications before the Collector, one copy of which dated 05.09.2022 has been filed with this application as Annexure-P/5.

4. This Court is of the view that, though an extraordinary delay has occurred on the part of the petitioner in raising the aforesaid issue before this Court, however, the Collector, Purnea, where the petitioner had approached earlier on several occasions as stated above, is directed to look into the petitioner's representation dated 05.09.2022, if the same is available in his office and if not then the petitioner will have the



right to file a fresh representation with regard to the aforesaid issue, and upon filing the fresh representation or availability of the old representation, the Collector, Purnea (respondent no. 2) shall look into the petitioner’s matter and take necessary steps as per the provisions of law.

5. Accordingly, with the above directions, the instant writ petition stands disposed of.

(Shailendra Singh, J)

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