

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14198 of 2018

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Birendra Rai @ Birendra Kumar Ray Son of Nagendra Ray Resident of -
Majauliya Kumma, P.S. Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Revenue Department, Government of Bihar.
3. The District Magistrate, Sitamarhi.
4. The District Land Acquisition Officer, Sitamarhi.
5. The Circle officer, Sursand Block, Sitamarhi.
6. Sri Madheshwar Tiwari Son of Dukh Bhajan Tiwari Resident of Village-
Radhaur, P.S. and Block- Sursand, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate
For the Respondent/s : Mr.Dhurjati Kumar Prasad, G.P.-14

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 25-11-2025 Heard Mr. Krishna Kant Singh, learned counsel for
the petitioner and Mr. Dhurjati Kumar Prasad, learned G.P.-14.

2. The present petition has been preferred for the
following relief/s:

*(i) for issuance of a writ in the nature of
'certiorari' for quashing the order dated
20.05.2002 passed by the Collector,
Sitamarhi in Land Ceiling Case No.8/73-74
by which some of the lands acquired vide
memo No.200 dated 04.10.2001 has been*



deleted (including the land of the petitioner) and others included as the same has been passed behind the back of the petitioner and ignoring the fact that the land had already been settled in favour of the petitioner vide case No.9/2001-02 dated 01.04.2002 and the land has already been mutated in favour of the petitioner and he is in possession of the same;

(ii) for further directing the authorities concerned not to interfere in the peaceful possession of the land of petitioner and not to take coercive action to dispossess him and in the alternative to grant the petitioner equal land as per his settlement;

(iii) for other necessary relief/reliefs which the petitioner may be found entitled in the facts of the to case.

3. The short fact is/are as follows:

(i) land ceiling case no. 08 of 1973-74(3.548 acres) was initiated against one Madhureshwar Tiwari in the district



of Sitamari;

(ii) the proceeding was related to khata no.96, khesra no. 16 and 135 in the village-Majhualia.

4. The contention of the petitioner in the writ petition is that 19 decimals of the said land was settled in his favour vide an order dated 01.04.2002 in case no. 09 of 2001-02 which followed possession certificate.

5. The claim is that the petitioner also started paying rent receipt for the said land which has been brought on record by way of Annexure-3.

6. It seems the land holder was pursuing the land ceiling case before the Collector, Sitamarhi in the aforesaid land ceiling case no. 08 of 1973-74 (The State vs. Madhureshwar Tiwari) in which vide an order dated 21.05.2002, the land on which the petitioner was granted certificate was allowed in favour of the said Madhureshwar Tiwari with the observation that in place of the said 1.80 land that has been allowed in favour of the said land holder (including the land of the petitioner), the other land of the land holder is to be acquired (Annexure -4 to the petition).

7. Aggrieved, the present petition.



8. Learned counsel for the petitioner submits that once the certificate was granted to him, rent receipt issued, if the land holder ultimately won the battle and the land was returned to him, the Collector, Sitamarhi was duty bound to take steps so that he once again do not become landless person. He submits that though order was passed in the year 2002 immediately after the land was allotted to this petitioner, the fact remains that for the next fifteen years, there was no disturbance and he was continuing on the said place though the State respondent in its counter affidavit counters the said claim. It has been submitted by the learned counsel for the petitioner and accepted by the learned State counsel that the date is not given as to since when the petitioner is not in a possession.

9. If the contention of the petitioner as recorded above is true, he was granted the land certificate, rent receipt issued, he came in possession, once the land holder won the case and the said land was released in his favour, the grievance of the petitioner ought to have been taken note by the Collector, Sitamarhi so that he is not put once again in the category of landless person.

10. The petitioner has made out the case, the Collector, Sitamarhi has to look into the fact and do the needful.



11. Learned State counsel submits that the petitioner has to move before the Collector, Sitamarhi with a proper petition and also an affidavit and has to make a categorical statement that he still is a landless persons.

12. Learned counsel for the petitioner submits that he shall be approaching the concerned respondent, the Collector, Sitamarhi (respondent no.3) in next eight weeks alongwith the proper petition/supporting documents to prove his case and further shall have to declare that he still is a landless person.

13. If such petition alongwith supporting documents is/are submitted, the respondent no.3, the Collector, Sitamarhi is duty bound to look into the grievance of the petitioner and after noticing the parties including the revenue authorities and getting a report regarding his present status, shall be passing an appropriate/comprehensive order preferably by 30.06.2026.

14. If the Collector, Sitamarhi (respondent no.3) comes to the conclusion that the petitioner is/was a landless person, earlier granted certificate but now pursuant to the release of the land in favour of the land owner has become landless and has no land in his name and/or the family member, is duty bound to pass an appropriate order for the settlement of the land in his favour.



15. The writ petition stands disposed of with the
aforesaid observation.

(Rajiv Roy, J)

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