

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19480 of 2025

=====

Md Asim Reza, Son of- Late Md Salim Uddin @ Salimuddin, Resident of village- Bousi ward no.-14, P.O. and P.S.- Bousi District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Araria.
3. The Additional District Magistrate cum Additional Collector, Araria.
4. The District Land Deputy Collector Land Reforms, Araria.
5. The Circle Officer, Raniganj, District-Araria.
6. Kailu Rishideo, Son of Kushumlal Rishi, Resident of village- Farkiya, P.S.- Raniganj District-Araria.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar, Adv.
For the Respondent/s : Mr. Ebadur Rahman Shakeb, AC to AAG-12

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 04-12-2025 The instant writ application has been filed under Article 226 of the Constitution of India by the petitioner seeking the following relief(s):

" I. For the issuance of writ in the nature of nature of mandamus direct the respondent authorities to restore and regularize the petitioner's purchased land measuring 82½ and half decimals under Khata Nos. 997 and 1063, Plot Nos. 245, 246, and 247, in strict compliance with the order dated 27.01.1999 passed in Misc. Ceiling Case Nos. 10/97-98 and 11/97-98, which was itself passed in pursuance of and in conformity with the Hon'ble High Court's order dated 25.09.1997 in C.W.J.C. No. 10859/1996.



II. Be pleased to quash and cancel the illegal allotment of the petitioner's aforesaid land made under Red Card Bandobasti in favour of respondent no. 06, as the same is wholly without jurisdiction, violative of judicial orders, and contrary to the settled principles of the Bihar Land Ceiling Act, 1961.

III. Further be pleased to Issue a direction upon Respondent Nos. 2 to 5 to restrain Respondent Nos. 6 from interfering with the petitioners' possession over the disputed land, thereby protecting the petitioners' lawful and peaceful possession.

IV. To grant any other relief/reliefs for which the petitioner is entitled to in the facts and circumstances of the case."

2. Mr. Md. Ziaul Quamar, learned counsel appearing for the petitioner and Mr. Ebadur Rahman Shakeb, learned counsel appearing for the State-respondents are present and they are heard.

3. Learned counsel for the petitioner submits that one Md. Salim Uddin, father of the petitioner, had lawfully purchased 82½ decimals of land appertaining to Khata No. 1063 and 997, Plot Nos. 245, 246 and 247, from one Md. Hussain @ Bhola, through a registered sale deed dated 25.01.1974 thereafter, he came in peaceful and continuous possession over the said purchased land. After the purchase the petitioner's father came to know that the said purchased land,



along with other lands belonging to Samidur Rahman, his sons and daughters had been acquired by the Government in Land Ceiling Case No. 5/8 of 1974-75 without issuance of any prior notice and without affording any opportunity of hearing to the purchasers and thereafter, the father of the petitioner filed CWJC No. 10859 of 1996 (Md. Salim Uddin & Ors vs. The State of Bihar & Ors.) before this court which was decided vide order dated 25.09.1997 directing the Additional Collector to consider and decide the claim of the petitioners after giving them an opportunity of hearing and then the petitioner's father and others filed Misc. Ceiling Case No. 10/97-98 before the Additional Collector, Araria which was later merged with the Case No. 11/97-98. The Additional Collector, after considering the matter in the light of the High Court's order and directions disposed of the said cases on 27.01.1999 accepting the petitioner's claim but some of the lands of the petitioner detailed in the paragraph no. 5 of the writ petition was inadvertently left out to be mentioned in the Misc. Ceiling Case No. 10/97-98 due to which no order was passed in respect of those land and therefore, the petitioner has approached this court again by way of this writ application.

4. On the other hand, learned counsel for the State-



respondents submits that the petitioner has an efficacious remedy under Section 30 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.

5. Heard both the sides and perused the relevant materials. Considering the submissions made by the learned counsel appearing for the State-respondents, the instant writ petition is disposed of with giving the petitioner liberty to approach the concerned Collector under Section 30 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 by way of an appeal for redressing his grievance. If he approaches the Collector within six weeks from today then the Collector shall decide the petitioner's case as per the provision of law according to merit without being prejudiced with this order.

(Shailendra Singh, J)

Rajiv/-

U			
---	--	--	--

