

(1999) 07 PAT CK 0022
In the Patna High Court
Case No : C.W.J.C. No. 6313 of 1992

Ganeshi Sharma and Others

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 28-07-1999

Acts Referred:

Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act,
1961 — Section 15(1)
Constitution of India, 1950 — Article 226

Citation : (1999) 3 PLJR 377

Hon'ble Judges : R.N. Sahay, J

Bench : Single Bench

Advocate : Jagdish Prasad Bhagat, for the Appellant; M.P. Singh and Satyendra Kumar Sinha, for the Respondent

Judgement

R.N. Sahay, J.—By this application under Article 226 of the Constitution of India the petitioners have prayed for quashing of Annexure 7, which is a notification dated 29.4.91 u/s 15(1) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, so far it relates to plot nos. 1037, 1039 and 1050 having been declared surplus in the hands of land holder Ramautar Sah. The case of the petitioners is that the aforesaid plots had been legally purchased by the petitioners from lawful owner and in fact, Ramautar Sah had no interest in the said land and had also filed a petition before the land ceiling authority (Annexure 6) to that effect. It is not clear as to how the land had been shown to be the land of Ramautar Sah in the impugned notification. According to Khatian these lands are recorded in the name of Ramlal Sahu, Shiblal Sahu, Rasiklal Sahu & ors. The record has not shown the name of Ramautar Sah. The petitioners purchased the lands from the heirs of the khatian holders by registered sale deeds executed on different dates. As there is no explanation how these lands have been shown to be the lands of Ramautar Sah there is no option but to quash the notification and direct the Collector to examine the matter afresh in the light of case made out by the petitioners in the writ petition.

2. In the result, notification dated 29.4.91 is accordingly quashed (only plot Nos. 1037, 1039 & 1050) and the Collector, Purnea is hereby directed to pass appropriate order in the light of claim of the petitioners. The petitioners are directed to appear before the Collector along with a copy of the writ petition and the copy of this order within two months from today. The Collector shall dispose of the claim after notice to the parties within three months thereafter. There shall be no order as to costs.