

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1925 of 2025

Bibhuti Nath Jha Son of Late Suryakant Jha, Resident of Village- Madhupur,
P.S.- Kamtaul, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Collector, Darbhanga.
3. The Sub Divisional Officer, Sadar Darbhanga.
4. The Anchal Adhikari, Singhwara, District- Darbhanga.
5. The Chairman, Bihar Land Tribunal, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Jha, Advocate
For the Respondent/s : Mr. Kinkar Kumar, SC-9

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 11-02-2025

Heard Learned Counsel for the petitioner and
Learned Counsel for the State.

2. The present writ petition has been filed by the
petitioner for the following reliefs:

*“(i) For quashing the Order
dated 16/01/2024 passed by the Chairman of
the Bihar Land Tribunal Patna (Respondent
No. 5) in B.L.T Case No. 275 of 2023.*

*(ii) For also quashing the
Order dated 23/8/2022 passed by
Respondent No. 2, the Collector, Darbhanga
Bhoodan Case No. 72 of 2010-11 by which*



the learned Collector has been pleased to direct the concerned authorities to take steps for cancellation of Parcha issued in favour of the petitioner by the Bhoodan Yagna Committee, holding the land in question to be a Public land.

(iii) For directing the Respondent authorities to protect the land in question settled in favour of the petitioner under the Bhoodan Yagna Act as directed by the Hon'ble Court in a previous Writ petition bearing C.W.J.C No. 10978 of 2009 Vide order dated 05/10/2009.

(iv) For any other relief or reliefs for which the petitioner may be found entitled in the facts and circumstances of the case.”

3. Learned Counsel for the petitioner submits that the land-in-question was donated by one Amar Prasad Singh son of Babu Bishun Prasad Singh through *Dan Patra* dated 29.12.1953. He submits that the said *Dan Patra* was confirmed by the Bhoodan Yagna Committee vide Confirmation Case No.381/A of the year 1957-58 and final order of confirmation was passed on 24.01.1958. Counsel submits that the petitioner is a landless person and 33 decimals of donated land was settled along with other persons. The deed of settlement dated 10.07.1994 was issued in favour of the



petitioner. Counsel further submits that the settlement of land in favour of the petitioner was confirmed by Bhoodan Yagna Committee and the Anchal Adhikari, Singhwara, had fix the rent for the land-in-question settled in favour of the petitioner and granted rent receipt only one time in the year 1994, but thereafter rent receipt was not granted. Since 1995 onward, the petitioner has made several attempt before the superior officers as well as Additional Collector but no action was taken and, therefore, the petitioner had moved before this Court in CWJC No.10978 of 2009 seeking a direction upon the respondent to protect the land in question which was settled to the petitioner by Bhoodan Yagna Committee. Counsel submits that in the said writ petition vide order dated 05.10.2009 a direction was made to the Collector-cum-Revenue Officer under Section 14A of the Act. Counsel submits that in compliance of the said order the petitioner moved before the Collector and filed a petition with relevant documents on 05.12.2009. His case was registered as case No.72 of 2010-11. Counsel submits that after long gap of about twelve years, final order was passed on 23.08.2022 and the said order is completely illegal, arbitrary and without jurisdiction. Learned Counsel further submits that the Collector has crossed the jurisdiction so vested in him and he



has passed order that the said *Dan Patra* is illegally and ineffective and directed the Bhoodan authorities to withdraw the *Parcha*. Learned Counsel further submits that the said order is completely in gross violation of the law laid down as the Collector has directed to vacate the land initiating a proceeding under the Bihar Land Encroachment Act. Counsel for the petitioner submits that being aggrieved and dissatisfied with the order dated 23.08.2022 passed by the Collector, the petitioner preferred a case before the Bihar Land Tribunal bearing B.L.T. Case No.275 of 2023. In the said B.L.T. case, final order has been passed on 16.01.2024 by which the claim of the petitioner was rejected and the order passed by the Collector dated 23.08.2022 has been affirmed and B.L.T. Case of the petitioner has been dismissed. Counsel for the petitioner submits that after passing final order in B.L.T. the only remedy left with the petitioner is filing the writ petition before this Court. He submits that the order of the Collector is absolutely illegal. He submits that when Bhoodan Yagna Committee has donated land in his favour which was confirmed, therefore, in that case he has no power to interfere in the same and his order of cancellation of the said settlement as well as the donation of the year 1958 saying that it is illegal is absolutely violative to law.



4. Learned Counsel for the State, on the other hand, submits that order passed by the B.L.T. has been made completely in accordance with law. He submits that Section 22 of the Bhoodan Yagna Act, 1954 clearly deals a situation as to how ejection of a person in unlawful possession of land has to be made. He submits that in the proviso of Section 2, it has been stated that the ejection under Section 22 of the Act shall be made in those cases also where Section 11 of the Act process has been crossed as like that of the case of the present petitioner.

5. In response thereof, Counsel for the petitioner submits that the provisions laid down in Section 22 of the Act is an older one; whereas Section 14A of the Act has been inserted later on, in the year 1965 in which protection has been granted for the Bhoodan land from ejection and Collector has to grant protection of the Bhoodan land which was allotted to the petitioner, but instead thereof granting protection, he had passed order for ejection against the petitioner.

6. Learned Counsel for the State also submits that in this circumstance the petitioner has only remedy laid down under Section 17(4) of the Act to institute a Civil Suit having jurisdiction to set aside the order.

7. In response thereof, Counsel for the petitioner



submits that the order which has been passed by the Collector under Section 14A has been made in gross violation of law and is basically illegal and arbitrary order which ought to be set aside.

8. Upon hearing the parties, the question which is important for just decision of this case is that whether the Collector at the time of passing order on application under Section 14A of the Bhoodan Yagna Act, 1954 can exercise his power so vested in him by virtue of Section 22 of the Said Act or not and the second question which is important for just decision of this Court is that in the present case what remedy is available to the petitioner at present.

9. This Court upon consideration of the pleadings and hearing the arguments of the parties as well as considering the basic jurisprudence of interpretation of statute that any statute has been framed and collection of different sections, this Court is of the firm view that both power vested in the Revenue Officer under the Act, one power that is inserted by amendment to grant protection to the guarantee of Bhoodan land from ejection and second is the power of ejection of person in unlawful possession of land. The Review Officer has been granted both powers under the law to exercise power in



consonance with Sections 14A and 22 of the Act. This Court is of the view that when any quasi judicial authority, at the time of hearing an application for granting protection, has definite power for ejection of any person, if found in unlawful possession of the land as both the powers have been vested in the Revenue Authority, by the law maker and the same authority has to exercise the power of protection and the ejection both. It is the actual exercise of a person who is exhausting his judicial mind in any relevant case. Here in the present case, this Court is of the view that though the Collector was exercising his power under Section 14A for which application has been filed, but he found during exercise of power under Section 14A that the petitioner is basically in unlawful possession of the land and, therefore, he has passed order under Section 22 is not bad-in-law in view of this Court.

10. The petitioner has moved before the B.L.T. and B.L.T. has affirmed the order passed by the Collector, the B.L.T. has assigned the reasons as to why the B.L.T. has not entering into the decision passed by the Collector, but Section 17(4) of the Act provides special power to the person to move before the Civil Court and, therefore, this Court is not entertaining the writ petition.



11. Accordingly, the writ petition is disposed off granting liberty to the petitioner to file civil suit within six months from today if he has been so advised.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.02.2025
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