

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.22206 of 2018**

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1. Hare Krishna Ram and Ors Son of Late Dukhi Ram Resident of village- Rajpur, P.s. - Kanauli, Distt. Supaul
2. Mahendra Paswan @ mahender Pasavan, Son of Sri Punit Paswan @ Punit Pasavan Resident of village - Rajpur, P.s.- Kanauli, Distt. Supaul
3. Dinesh Paswan, Son of Late Bhubneshwar Paswan Resident of village Rajpur, P.s. Kanauli, Distt. Supaul
4. md. Hasarat Miya @ hasmat Miya Son of Sunar Miya Resident of village Mjhari, P.s. Nirmali, Distt. Supaul
5. Mukti Sada Son of Swarath Sada Resident of village Haripur, P.s. Nirmali, Distt. Supaul
6. Taitar Sharma @ Tetar Sharma Son of Nathuni Sharma Resident of village - Majhari, P.s. Nirmali, Distt. Supaul
7. Ramchalitar Ram @ Ram Charitra Ram Son of Nanda Ram Resident of village- Majhari, P.s. - Nirmali, Distt. Supaul
8. Lal Chand Sada @ Lalkun Sada Son of Mahaveer Sada @ Mahavir Sada Resident of village - mahua, p.s. - Nirmali, District - Supaul
9. Jayram Mahto @ Jairam Mahto Son of Devnarayan Mahto Resident of vilalge - majhari, P.s. Nirmali, Distt. Supaul
10. Bane lal Sada Son of Mahaveer Sada @ Mahavir Sada Resident of village - Mahua, P.s.
11. Chandesar Sada Son of Dhanik Sada Resident of village Mahua P.s. Nirmali, Distt. Supaul
12. Surya Narayan Mallik @ Suryanarayan Mallik Son of Yugeswar Dom Resident of village - Majhari, P.s. - nirmali, Distt. Supaul
13. Shree Lal Ram Son of Nathar Ram Resident of village- Mahua, P.s. Nirmali, Distt. Sauapul
14. Rambilas Thakur @ Ram Vilash Thakur Son of Sah Dev Thakur Resident of village - Majhari, P.s. Nirmali, Distt. Supaul
15. Mahendra yadav Son of Bhajji Yadav Resident of village Majhari, P.S. Nirmali, Distt. Supaul
16. Sahadev Sharma Son of Kailu Sharma Resident of village Majhari, P.S. - Nirmali, Distt. Supaul
17. Radhe Jha Son of Debu Jha Resident of vilalge Majhari, P.S. Nirmali, Distt. Supaul
18. Ranju Devi Wife of Jai Narayan Jha Resident of village Majhari, P.s. Nirmali, Distt. Supaul
19. Muneshwari Devi Wife of Gajadhar Ram Resident of village mahua, P.S. - Nirmali, Distt. Supaul
20. Ram bahadur Sada @ Bahadur Sada Son of Sudin Sada Resident of village Majhari, P.S. Nirmali, Distt. Supaul



21. Rameshwar Sada Son of Gonar Sada Resident of village Majhari, P.S. Nirmali, Distt. Supaul
22. Surya Narayan mandal Son of Sundar Mandal Resident of village Majhari, P.S. Nirmali, Distt. Supaul
23. Uttimal mandal @ Uttim lal Mandal Son of Neman Mandal Resident of village Majhari, P.S. Nirmali, Distt. Supaul
24. Ram Ratan Ram Son of Sukh Dev Ram Resident of village Majhari, P.S. Nirmali, Distt. Supaul
25. Ram Autar Sharma Son of Kailu Sharma Resident of village Majhari, P.S. Nirmali, Distt. Supaul
26. Md. Wasil Son of Md. Liyasat Miya Resident of village Majhari, P.S. Nirmali, Distt. Supaul
27. Ganesi Ram Son of Dhauli Ram Resident of village Majhari, P.S. Nirmali, Distt. Supaul
28. Panchu Mochi Ram @ Mochi Ram Son of Dukhan Ram Resident of village Majhari, P.S. Nirmali, Distt. Supaul
29. Digambar Sada Son of Mahaveer Sada @ Mahavir Sada Resident of village Majhari, P.S. Nirmali, Distt. Supaul
30. Md. Kifayat Miya Son of Amoli Miya Resident of village Majhari, P.S. Nirmali, Distt. Supaul
31. Kailu Sada Son of Amoli Miya Resident of village Majhari, P.S. Nirmali, Distt. Supaul
32. Md. Asin Son of safik Miya Resident of village Majhari, P.S. Nirmali, Distt. Supaul
33. md. Tajamul Sonof Chhedi Miyan Resident of village Majhari, P.S. Nirmali, Distt. Supaul
34. Vivi Julekha Khatun @ Julekha Khatun Wife of Faramud Miya Resident of village Majhari, P.S.. Nirmali, Distt. Supaul
35. Durga nand Ram @ Durga Dutt Mochi Son of Bhalo Ram @ Bhalo Ram @ Jhallar Mochi Resident of village Majhari, P.S. Nirmali, Distt. Supaul
36. Ram Deo Sada Son of Dhanik lal Sada @ Dhanik Sda Resident of village Majhari, P.S. Nirmali, Distt. Supaul
37. mastufa Son of Sukhay @ Sukhi Miya Resident of village Majhari, p.s. Nirmali, Distt. Supaul
38. Ramu Sharma Son of Kapleshwar Sharma Resident of village Majhari, P.S. Nirmali, Distt. Supaul
39. Md. Ramjan Son of Md. Nabibaks @ Fuchai Miya Resident of village Majhari, P.S. Nirmali, Distt. Supaul
40. Luchai Miyan son of Nathuni Miyan Resident of village Majhari, P.S. Nirmali, Distt. Supaul
41. Satya Narayan Mandal Son of Munni Lal Mandal @ Munni Lal Mukhiya Resident of village Majhari, p.s. Nirmali, Distt. Supaul
42. Dorik Sada Son of Nathan Sada @ Nathar Sada Resident of village Majhari,



P.S. Nirmali, Distt. Supaul

43. Md. Oli Miya Son of Nothani Miya @ Nathani Miya Resident of village Majhari, P.S. Nirmali, Distt. Supaul
44. md. Hadish Miya Son of Nothani Miya @ Nathani Miya Resident of village Majhari, P.S. Nirmali, Distt. Supaul
45. Bibi Meharun Khatun Wife of Doma Miya Resident of village Majhari, P.S. Nirmali, Distt. Supaul
46. Bechan Thakur son of Mugalal Thakur Resident of village Majhari, P.S. Nirmali, Distt. Supaul
47. Uttim lal Ram son of Rameshwar Ram @ Rameshwar Mochi Resident of village Majhari, P.S.. Nirmali, Distt. Supaul
48. Subodh Sada Son of Garib Sada Resident of village Majhari, P.S. Nirmali, Distt. Supaul
49. Kailash Mukhiya Son of Bhagwat Mukhiya Resident of village Majhari, P.S. Nirmali, Distt. Supaul
50. Ravi Sharma Son of Sukhdev Sharma Resident of village Majhari, P.S. Nirmali, Distt. Supaul
51. Kari Sharma Son of Jholi Sharma Resident of village Majhari, P.S. Nirmali, Distt. Supaul
52. Ali Sher Miya Son of Md. Ramjan Miya Resident of village Majhari, P.S. Nirmali, Distt. Supaul
53. Jagli Sada Son of Jotahu Sada Resident of village Majhari, P.S. Nirmali, Distt. Supaul
54. Vinda Sada @ Binda Sada Son of Chuthru Sada Resident of village Majhari, P.S. Nirmali, Distt. Supaul
55. md. Islam Miya @ Md. Islam Son of Uttim Miya Resident of village Majhari, P.S. Nirmali, Distt. Supaul
56. Murahi Devi Wife of Badri Ram Resident of village Majhari, P.S. Nirmali, Distt. Supaul
57. Kailu Sharma son of Late Pyare Sharma Resident of village Majhari, P.S. Nirmali, Distt. Supaul
58. Yogendra Ram Son of Late Pyare Sharma Resident of village Majhari, P.S. Nirmali, Distt. Supaul
59. Md. Shamsul Miya Son of Thidhar Miya Resident of village Majhari, P.S. Nirmali, Distt. Supaul
60. Bashar Sada Son of Bhalu Sada Resident of village Majhari, P.S. Nirmali, Distt. Supaul
61. Md. Jamiruddin Son of Md. hadish Miya Resident of village Majhari, P.S. Nirmali, Distt. Supaul
62. Md. Arjun Miya @ Md. Arjun Son of md. Suvaram Miya @ Sundar Miya Resident of village Majhari, P.S. Nirmali, Distt. Supaul

... .. Petitioners

Versus



1. The State Of Bihar.
2. The District Magistrate -cum Collector, Supaul
3. The Additional Collector, Supaul
4. The Sub-Divisional Officer, Nirmali, District - Supaul
5. The Circle Officer, Nirmali, District - Supaul
6. Gahendra Narayan Singh Son of Late Ved Narayan Singh Resident of village - Birpur,P.S.. - Birpur, Distt. Supaul

... .. Respondents

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**Appearance :**

For the Petitioners : Mr. Manish Kumar No 13  
Mr. Rohit Kumar, Advocates  
For the Respondents : Mr. Subash Chandra Yadav -GP15  
Mr. Rakesh Kumar Srivastava, AC to GP 15

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY  
ORAL JUDGMENT**

**Date : 23-02-2021**

Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Petitioners are aggrieved by the order dated 17.01.2015 passed by the Collector, Supaul in Miscellaneous Ceiling Case No. 40 of 2001 as contained in Annexure-6 and also the order of the Bihar Land Tribunal, Patna dated 13.07.2017 as contained in Annexure-2.

The Collector was helpless as he has to comply with the direction of this Court dated 16.03.1999 issued in CWJC No.1581 of 1989 (Annexure-4). The Hon'ble Court, on consideration of the materials on record, came to a finding that the action of the Collector in not cancelling the provisional Purcha issued in favour of the purcha-holder is illegal and



arbitrary and the writ application was allowed in favour of the writ petitioners. The relevant part of the order dated 16<sup>th</sup> of March, 1999 is quoted hereinbelow:-

*“12. Therefore, in my view, in the background of the facts, stated above, it is highly unjust and improper on the part of the Collector to reject the petition under section 37 of the Act, which was filed for withdrawal of the Purcha. Accordingly, I set aside the impugned order and allow the writ application with a direction to the Collector to withdraw such provisional Purcha, which were granted with respect to the lands of the petitioners. However, in the facts and circumstances, there shall be no order as to costs.”*

Since the Collector was helpless in a situation where

the land acquired and distributed was found to be illegal by the respondents and they have cancelled the acquisition vide District Gazette dated 27.11.1985 and once the foundation of issuance of Purcha goes, there was absolutely no occasion for the Collector to allow the purcha-holder to continue and retain the land on the strength of issuance of Purcha. The decision of the Collector was assailed before the Bihar Land Tribunal and the Tribunal realizing the fact that the mandamus was issued by this Court vide Annexure-4, the Collector has passed the order in compliance of the direction of the Tribunal and the Tribunal has not found fault with the order of the Collector.

Learned counsel appearing on behalf of the petitioners would submit that the petitioners are continuing over



the land in question on the basis of the provisional Purcha and mutation of their name over the land in question and they have not been heard by the respondent-Collector before passing order contained in Annexure-6. Since the foundation of issuance of Purcha goes on account of cancellation of acquisition of land by the Gazette Notification published in the District Gazette, the consequential action on account of the acquisition of land also goes and in the aforesaid background when this Court has issued direction to the Collector, the Court does not find any infirmity in the decision of the Collector contained in Annexure-6.

So far as the grievance of the petitioners that their family members would be displaced as a result of Annexure-6 and they are landless people and they are required to be be rehabilitated at any other suitable alternative place by the Collector is concerned, the Court, in order to do justice to the petitioners, disposes of the writ application with liberty to the petitioners to approach the Collector, Supaul to explore the possibility of providing another land for rehabilitation of these petitioners who are landless people. Necessary decision on the representation filed by the petitioners shall be taken by the Collector, Supaul within a period of six months from the date of receipt of a copy of this order.



With the aforesaid, the present writ application stands  
disposed of.

**(Anil Kumar Upadhyay, J)**

BT/-

<b>AFR/NAFR</b>	NAFR
<b>CAV DATE</b>	N.A.
<b>Uploading Date</b>	25.02.2021
<b>Transmission Date</b>	N.A.

