

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1056 of 2025
In
Civil Writ Jurisdiction Case No.7468 of 2017

Basundhara Devi Appellant/s
Versus
The State of Bihar Respondent/s

with
Letters Patent Appeal No. 1058 of 2025
In
Civil Writ Jurisdiction Case No.7481 of 2017

Rajeshwar Rao Appellant/s
Versus
The State of Bihar Respondent/s

Appearance :

(In Letters Patent Appeal No. 1056 of 2025)

For the Appellant/s : Mr. Siya Ram Shahi, Advocate
Mr. Abhishek Raj Kashyap, Advocate

For the Respondent-State: Ms. Surekha Kumari, AC to GP-18

(In Letters Patent Appeal No. 1058 of 2025)

For the Appellant/s : Mr. Siya Ram Shahi, Advocate
Mr. Abhishek Raj Kashyap, Advocate

For the Respondent-State: Md. Khurshid Alam, AAG-12

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 20-01-2026 The aforesaid two letters patent appeals have been filed by the appellants challenging the judgment dated 19.09.2025, passed by the learned Single Judge, in CWJC No.7468 of 2017 and it analogous case, i.e. CWJC No.7481 of 2017.

2. The said writ petitions were filed seeking the following reliefs:-



“(i) for the issuance of an appropriate writ for quashing of the order dated 27.02.2017 passed by Shri K.K. Pathak, I.A.S, Additional Member, Board of Revenue, Bihar, Patna in Revision (Land Ceiling Surplus) Case No.3/2009 whereby, the order dated 30.01.2009 passed by the Collector, West Champaran, Bettiah in Appeal No. R.A. No. 58/1988-1989 and the order dated 07.06.1988 passed by the Additional Collector (Land Ceiling) West Champaran, Bettiah in Case No. 13/1975 have been re-affirmed;

(ii) for the issuance of an appropriate writ restraining the respondents to distribute the surplus land arising out of Ceiling Case No. 13/1974-1975.”

3. The Counter affidavit was filed on behalf of respondent nos. 3 and 4. The learned Single Judge, after considering the pleadings of the respective parties and hearing the learned counsel has been pleased to hold that the writ petitions have no merit and accordingly, dismissed the same.

4. The learned counsel for the appellants, in both the letters patent appeal, Shri Siya Ram Shahi raised a point of law that when final publication under Section 11(1) of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (hereinafter referred to as “the Act, 1961”) has been made, initiation of fresh proceeding is not permissible. Section 32B the Act, 1961 is quoted herein-below for ready reference:-



“32B. Initiation of fresh proceeding- All those proceedings, other than appeal, revision, review or reference referred to in Section 32-A pending on the date of commencement of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 1982, and in which final publication under sub-section (1) of Section 11 of the Act as it stood before the amendment by aforesaid Act, had not been made, shall be disposed of afresh in accordance with the provisions of Section 10 of the Act.”

5. The learned counsel for the appellants submits that there are records to show that final publication has been made in terms of Section 11(1) of the Act, 1961. Section 11(1) of the Act, 1961 is quoted herein-below for ready reference:-

“11. Final publication of draft statement.-(1) When the objection or claim, if any, preferred under sub-section (3) of Section 10 has been disposed of, the Collector shall, whether there is any surplus land or not, make such alteration in the draft statement as may be necessary to give effect to any order passed on the objection or claim and shall cause the said statement with the alteration, if any to be finally published in the Official Gazette of the district and in such place and in such manner as may be prescribed and a copy thereof duly certified by the Collector in the prescribed manner, shall be sent to the land-holder by registered post with acknowledgment due.”



6. There is no dispute that the final publication is to be made in the official gazette. When we made a pertinent query to the learned counsel for the appellants as to whether any such averment has been taken in the writ petition regarding final publication in the official gazette, the answer was in negative. The learned counsel for the appellants also fairly submits that neither such specific ground has been taken in the letters patent appeals that final publication has been made in the Official Gazette nor a copy of the Official Gazette has also been annexed either to the writ petition or to the letters patent appeals. However, the learned counsel for the appellants seeks for an adjournment to prepare the case and place a notes of dates. The learned counsel also submits that the judgment has been passed by the learned Single Judge after calling for the records, during the pendency of the writ petition.

7. Be that as it may, list these matters on 10.02.2026.

(Sangam Kumar Sahoo, CJ)

(Mohit Kumar Shah, J)

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