


आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3												
03.03.2017	<p style="text-align: center;"><b><u>BOARD OF REVENUE, BIHAR, PATNA.</u></b></p> <p style="text-align: center;">Revision (Land Ceiling Surplus) Case No. – 02/2006 Dist.- Samastipur</p> <p style="text-align: center;">PRESENT            :-    K.K. Pathak, I.A.S., Additional Member</p> <p>=====</p> <table><tr><td>Yugeshwar Prasad Singh</td><td style="text-align: center;">Versus</td><td style="text-align: right;">- Petitioner/ Appellant</td></tr><tr><td>The State of Bihar &amp; Others-</td><td></td><td style="text-align: right;">- Opposite party</td></tr></table> <p>=====</p> <p><b><u>Appearance:</u></b></p> <table><tr><td>For the Appellant/Revisionist</td><td style="text-align: right;">: Shri Rishit Deo Kumar Singh</td></tr><tr><td>For the OP</td><td style="text-align: right;">:</td></tr><tr><td>For the State</td><td style="text-align: right;">: Shri Nirmal Kumar, Special G.P.</td></tr></table> <p style="text-align: center;"><b><u>ORDER</u></b></p> <p>This is a ceiling surplus case in which a Revision application was filed on 18.01.2016 against the order passed by Learned Collector, Samastipur on 26.12.2005 in Ceiling Appeal Case No. 15/1998-99. The case was admitted for hearing on 26.04.2007 and the Lower Court Records were called for.</p> <p>However, on 07.08.2007, the case was dismissed for default due to non appearance of the Petitioner. A Restoration Petition was filed which too was dismissed on 31.01.2008.</p> <p>Subsequently, the Restoration Petition was again pressed and the same was again rejected on 01.07.2009.</p>	Yugeshwar Prasad Singh	Versus	- Petitioner/ Appellant	The State of Bihar & Others-		- Opposite party	For the Appellant/Revisionist	: Shri Rishit Deo Kumar Singh	For the OP	:	For the State	: Shri Nirmal Kumar, Special G.P.	
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	<p>Again, a Restoration Petition was filed for the third time on 03.08.2009 and the same was rejected on 05.11.2009.</p> <p>Thus aggrieved, the Petitioner approached the Hon'ble High Court in CWJC No. 1572/2010 wherein, vide order dated 21.01.2010, the Hon'ble High Court allowed the Petitioner to approach the Board of Revenue for one last time at a cost of Rs. 2000.</p> <p>Thus, the case was again taken up by the Board of Revenue and remained part heard for many dates. The case finally came up for hearing on 19.01.2017 where again the Petitioner sought a short date. He again sought adjournment on 20.02.2017. The matter was finally heard on 22.02.2017. On that date, the Learned Advocate of the Petitioner was heard in great detail. The Learned Special GP was also heard on behalf of the State. The concluding the hearing, this order is being passed today.</p> <p>As per the Learned Advocate of the Petitioner, the original landlord was Sri Yogeshwar Prasad Singh, against whom the land ceiling proceeding was initiated in the year 1973 (43/1973-74). Out of a total of 284.32 acres, 111.2 acres were declared surplus. The landholder was also allowed six units.</p> <p>As per the Learned Advocate of the Petitioner, he had filed objection in the earlier ceiling proceeding and reports were called for Circle Officer, Singhiya and Circle Officer, Kusheshwar Sthan. Both the reports were in his favour but the Learned Lower Courts did not consider the same.</p>	

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	<p>Thus aggrieved, he had come to the Board of Revenue in the year 1979 wherein the Board of Revenue remanded the matter back to the Learned Collector for rechecking the calculation and re-examining the classification of the land.</p> <p>In the meantime, the matter got abated as a result of the amendment in the Ceiling Act in the year 1981.</p> <p>Thereafter, the Learned SDO reinitiated the proceeding and passed an order. Aggrieved, the Petitioner appealed before the Learned Collector who rejected the appeal. Thus further aggrieved, he has come before the Board of Revenue for revision and hence this proceeding.</p> <p>Concluding his arguments, the Learned Advocate of the Petitioner mentions that the Learned Lower Courts had not considered the report of the Circle Officers, the voluntary surrender made by him and the lands transferred before 09.09.1970. Therefore, he wants relief on these counts.</p> <p>I also heard the Learned Special GP on behalf of the State. He mentioned that pursuant to the matter being abated in the year 1981-82, a new proceeding was initiated but the Petitioner never filed any objection regarding the points being raised in the Revision application now. It may be noted that the order was passed by the Learned SDO on 20.03.1998 where as the landholder died on 12.06.1998.</p> <p>Continuing his arguments, the Learned GP further mentioned that between the periods 22.10.1959 to 09.09.1970, the landholder transferred 34.30 acres of land but did not</p>	



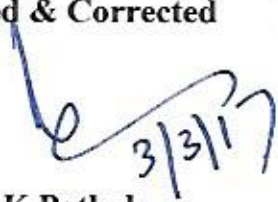
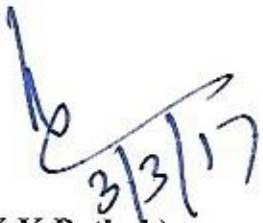
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	<p>furnish the details of the sale. He also sold 18.39 acres much after the due date of 09.09.1970 and without the permission of the Learned Collector.</p> <p>Having heard the Learned Advocate of the Petitioner and having heard the Learned Special GP on behalf of the State and having pursued the material available on record as well as the Lower Court Records, my own findings on the matter are as under:-</p> <p>(a) I find that the matter had earlier being adjudicated by the Board of Revenue in the year 1979 whereby the matter was remanded back to the Learned Collector for recalculation and to address the classification issue.</p> <p>(b) While the proceeding was still under consideration, the amendment of 1981 came, where in, all the pending proceedings were abated.</p> <p>(c) Subsequently, the Learned SDO restarted the whole proceeding and passed an order on 20.04.1998 addressing all the issues and the objections of the Petitioner.</p> <p>(d) I also find that the landholder got six units which have not been disputed by at any party at any stage. Therefore, this issue is not in dispute.</p> <p>(e) The dispute basically relates to the following:-</p>	

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	<p>i. That the earlier reports of the Circle Officers, which were in the favour of the landholder, were not considered.</p> <p>ii. The land voluntarily surrendered by the landlord was not considered.</p> <p>iii. The land sold by the Petitioner prior to 09.09.1970 was also not considered.</p> <p>(f) From the perusal of Lower Court Records, it seems that upon initiation of fresh proceeding, fresh reports were sought from the Circle Officer, Singhiya and Circle Officer, Kusheshwa Sthan. Contrary to the assertion of the Petitioner, I find that these reports, which were received vide Letter No. 1019 dated 18.12.1990 and 451 dated 30.04.1994, are not in the favour of the Petitioner.</p> <p>(g) In addition to the above reports, there are various other reports of the Circle where all the lands were verified by the Circle Officers. These reports include the one dated 30.04.1993 submitted by the Circle Officer, Singhiya which clearly mentioned that the lands, said to be sold by the landholder before 09.09.1970 are actually sold <u>after</u> 09.09.1970. Some have been sold as late as in the year 1981. I also find that the Petitioner never took any permission from the Learned Collector while selling such lands.</p> <p>(h) Coming to another report of Circle Officer, Kusheshwar Sthan dated 22.07.1995, the land</p>	

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	<p>classification details were sent to the Learned SDO and it was confirmed that the said land are under the possession of the landholder.</p> <p>(i) Therefore, from the above, it is clear that the assertion of the Petitioner that he has sold all the lands <u>before</u> 09.09.1970 is not correct.</p> <p>(j) I also find that the State has been more than reasonable in its approach on this issue. Altogether 85.21 acres of land was excluded from the ceiling proceeding. Out of total of 323.92 acres of land available with the Petitioner, the above 85.21 acres were deducted and 238.7 acres was left as surplus. After allowing six units, a meagre 32.75 acres were declared surplus with the landholder.</p> <p>(k) This, in my opinion, is a more than liberal approach adopted by the State and hence, I find no reason why the Petitioner should be aggrieved.</p> <p>(l) Coming to the issue of the land voluntarily surrendered, I find that the State has duly considered this aspect and 15.20 acres voluntarily surrendered by the landholder, which were also distributed to various landless persons, were taken care of in the ceiling proceeding and excluded from calculation.</p> <p>(m) On issue of classification, part relief was granted to the Petitioner and some entries which were repeated were removed. Some <i>sairat</i> land included by mistake</p>	



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	<p>was also removed from the calculation based on the report of the Circle Officers.</p> <p>(n) The other point of the Petitioner was about the order being passed against the deceased landlord without making any valid substitution. I find from the records that when the Learned SDO passed the order, the original landlord was very much alive and therefore, there was no question of filing any substitution. The landholder died on 12.06.1998 whereas the Learned SDO passed the order on 30.03.1998. Therefore, the original order passed by the Learned SDO was procedurally correct.</p> <p><b>Conclusion:-</b></p> <p>From the aforementioned findings, it is clear that pursuant to the reinitiation of the fresh proceeding, fresh verification reports were <sup>brought</sup> <del>short</del> from both the Circle Officers. These reports were not in favour of the Petitioner but they nailed the lie of the landlord.</p> <p>From the said verification report, it becomes clear that good number of land was sold by the Petitioner after 09.09.1970, without the permission of the Learned Collector. Some of the lands were sold as late as in the year 1981.</p> <p>The State has adopted a very reasonable approach towards the landholder by allowing all those lands which was validly sold before 09.09.1970 and the same were excluded from the ceiling proceeding.</p>	

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	<p>The State also gave due consideration to the classification of the land and part relief was granted to the landholder. Some double entries were also removed. The lands voluntarily surrendered and duly distributed to landless persons, were also excluded.</p> <p>That being the case, I find that the State has been liberal in its approach towards the Petitioner and carefully addressed all his concerns. Therefore, I find no reason to intervene with the order passed by the Learned Collector or the Learned SDO.</p> <p>In light thereof, I confirm the order passed by the Learned Collector on 26.12.2005.</p> <p>Revision Dismissed.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p><b>Dictated &amp; Corrected</b></p>  <p><b>K.K.Pathak</b> Additional Member Board of Revenue, Bihar.</p> </div> <div style="text-align: center;">  <p><b>(K.K.Pathak)</b> Additional Member Board of Revenue, Bihar.</p> </div> </div>	