



आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी ¹ का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
20.02.2017	<p style="text-align: center;"><u>BOARD OF REVENUE, BIHAR, PATNA.</u></p> <p style="text-align: center;">Revision (Land Ceiling Surplus) Case No. – 22/2016 Dist .- Muzaffarpur</p> <p>PRESENT :- K.K. Pathak, I.A.S., Additional Member</p> <p>=====</p> <p>Shri Ram Janki Ji through Sebit Mahanth Prem Shankar Das</p> <p style="text-align: center;">Versus</p> <p>The State of Bihar & Others</p> <p>=====</p> <p><u>Appearance:</u></p> <p>For the Appellant/Revisionist : Shri Neeraj Kumar For the OP : For the State : Shri Nirmal Kumar, Special G.P.</p> <p style="text-align: center;"><u>ORDER</u></p> <p>This is a ceiling surplus case in which a Revision application has been filed on 20.04.2016 against the order passed by the Learned Divisional Commissioner, Muzaffarpur on 29.02.2016 in Ceiling Appeal No. 98/2015. The case was admitted for hearing on 19.01.2017 and the Lower Court Records were also called for and which was received in time.</p> <p>Finally, the case was posted for final hearing on 10.02.2017 on which day, the Learned Advocate of the Petitioner was heard in great detail. The Learned Special GP was also heard on behalf of the State. Thus concluding the hearing, this order is being passed today.</p>	


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	<p>As per the Learned Advocate of the Petitioner, a Land Ceiling Proceeding No. 376/1973-74 was initiated against Sri Ram Janki Trust through Mahant Suryanaryan Das who was the Mahant looking after the Trust. Out of a total land of 120 acres with the Trust, 102 acres were declared surplus and only one unit was given to the Trust whereas the Trust had claimed three units for three different matths.</p> <p>Moreover, as per the Learned Advocate, a land measuring 26.85 acres was wrongfully included in the ceiling proceeding of the Trust whereas the said land is a personal property of the mahant. By order dated 06.03.1978, the Learned Additional Collector held that 26.85 acres be excluded. The ceiling proceeding, then was sent to the State Government for confirmation. The State Government, however, asked the case to be reopened. In light of this order, fresh objections were invited by the Revenue Authorities. Then, by an order dated 30.12.1983, the Learned Additional Collector held that the Panpur Matth, the Nariyar Matth and the Brahmpur Matth are not three different entities but a single entity. Moreover, the Learned Additional Collector also rejected the claim that the above mentioned 26.85 acres was mahant's personal property.</p> <p>Continuing his arguments, the Learned Advocate says that his claim is for three units for three entities. Aggrieved by order of the Learned Additional Collector, he went in appeal before the Learned Collector who dismissed the appeal vide order dated 15.03.1988.</p>	

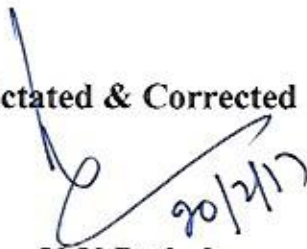

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	<p>Thus further aggrieved, he filed a revision application before the Board of Revenue. In the Revision Case No. 82/1988, the then Hon'ble Additional Member, vide order dated 08.02.1989, rejected his claim for additional units and land classification but however, he allowed the claim of the land measuring 26.85 acres recorded in the name of Suryanarayan Das and held that this land should be excluded and the ceiling area should be re-determined after such exclusion.</p> <p>Aggrieved by the order of the Board of Revenue, the Petitioner went in writ to the Hon'ble High Court in CWJC No. 2827/1989. The Hon'ble High Court, however, vide order dated 08.12.1995, rejected his Writ Petition and confirmed the order passed by the Board of Revenue.</p> <p>As per the Learned Advocate of the Petitioner, since 1995, no progress was there in the instant dispute. In 2015, the Petitioner filed an application before the Learned Collector to implement the order passed by the Board of Revenue.</p> <p>To this, this Court asked the Learned Advocate as to what was the Petitioner doing for these 20 long years. The Learned Advocate could not give any satisfactory reply to this gap of 20 years.</p> <p>Continuing further, the Learned Advocate mentioned that the Learned Collector rejected his application vide order dated 03.02.2016. Aggrieved, the Petitioner filed an appeal before the Hon'ble Divisional Commissioner who, too vide order dated 29.02.2016, dismissed the appeal. Thus</p>	

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	<p>further aggrieved, he has filed this revision application and hence this proceeding.</p> <p>Concluding his arguments, the Learned Advocate mentioned that his main contention is that the order of the Board of Revenue should be implemented. Furthermore, ceiling area should be re-determined and a fresh notification should be issued under Section 15(3) of the Bihar Land Ceiling Act, 1961.</p> <p>I also heard the Learned Special GP on behalf of the State. He argues that the Board of Revenue has already adjudicated the matter and the same has been confirmed by the Hon'ble High Court. Moreover, the land in dispute has already been distributed to the land less persons and hence the question of Section 15(3) does not arise.</p> <p>Having heard both the parties and having perused 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 note with concern that once the matter was adjudicated by the Board of Revenue in the year 1989, and once the High Court has dismissed his Writ Petition in the year 1995 confirming the order of the Board of Revenue, the Petitioner took 20 years to file an application before the Learned Collector to implement the order of the Board of Revenue.</p> <p>(b) No reasonable explanation has been given by the Petitioner for this delay of 20 years. In Para 9 of his Revision application, he tries to pin the blame on the Collector that no action was taken by him to</p>	

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	<p>implement the order of the Board of Revenue thus forcing him to file an application. However, this still does not answer the question as why he waited for 20 long years for the Learned Collector to respond and why he did not file an application in the year 1996 immediately after the order was passed by the Hon'ble High Court.</p> <p>(c) Therefore, this delay is largely unexplained and goes against the Revisionist.</p> <p>(d) Coming to the merits of the case, I find that the Petitioner did get a small relief from the Board of Revenue then, in the form of exclusion of 26.85 acres. To get a relief of this huge landed Estate, the Petitioner waited for 20 years is very surprising. Therefore, when he file his application before the Learned Collector, he rightly sought a report from the SDO.</p> <p>(e) I have perused the report of the Learned SDO dated 22.09.2013. It is actually dated 22.09.2014. As per the report, it seems that the mahant has been trying to delay the proceeding by misleading the Revenue Authorities saying that his case is pending before the Hon'ble High Court. Whereas the Hon'ble High Court has already dismissed his writ in the year 1995 itself. In nut shell, the report says that instant application by the mahant is merely a ploy to delay the ceiling proceeding further. The Learned SDO has confirmed the land has been distributed to the landless persons.</p>	

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	<p>(f) This also explains the silence of 20 years by the mahant in reclaiming his own land of 26.85 acres which was allowed to him by the Board of Revenue in the year 1989.</p> <p>(g) This also means that mahant, till so far, is sitting pretty on an area much larger than 26.85 acres and hence did not want to bother the Revenue Authorities lest they wake up from the deep slumber and take away his entire land.</p> <p>(h) I find that there is no ground for reopening the matter which has been so comprehensively dealt by the Board of Revenue in the year 1989. The contention of the Petitioner to reopen the case to seek the implementation of an order which was passed 28 years ago is hopelessly time barred and devoid of any merits. It was the duty of the Petitioner to see that the Board of Revenue's order is implemented by the Learned Collector in time and he should have approached the Learned Collector immediately after the Hon'ble High Court dismissed his writ.</p> <p>(i) I also see that the Plot No. and the Khata No. in which 14 landless people have been settled are different from the Plot No. and Khata No. given by the Petitioner in Para 10 of his Revision application. That be the case, the Revenue Authorities must restore the possession to these landless persons if they are already not in possession.</p>	

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	<p>(j) It may not be out of place to mention that the order of the Hon'ble High Court dated 08.12.1995 is also a very comprehensive order and the Hon'ble High Court has also held that there is no merit in the proceeding being reopened under Section 45B of the said Act. This also hints that the Hon'ble High Court concluded that since the matter has already been adjudicated previously under Section 45B, hence the said case or the dispute cannot be reopened again and again. To my mind, the order of the Hon'ble High Court puts a finality to the dispute once and for all.</p> <p>(k) Only issue that remains is for the Learned Collector to see that the land so acquired has been distributed to the landless persons and they are enjoying peaceful possession of the same.</p> <p>Conclusion:-</p> <p>From the aforementioned findings, it is clear that the case of the Petitioner is hopelessly time barred and he has come to the Board of Revenue after 28 years to get an order implemented which the Board passed in the year 1989.</p> <p>Therefore, the Learned Collector and the Learned Divisional Commissioner was correct in not entertaining the Petition any further and reopening the case again. However, the silence of the Petitioner for all these years is intriguing and his sudden activity in 2015 can be attributed to the fact that the certain Parchadharis</p>	

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	<p>approached the Learned Collector to restore the possession to the parchas already distributed to them.</p> <p>That be the case, it is quite possible is that the Trust is sitting pretty on an area of land much in excess to what was allowed. Therefore, the Learned Collector should look into this issue and see that the mahant is not enjoying land in excess to what has been already allowed in the land ceiling proceeding originally initiated against the Trust.</p> <p>To that end, the Learned Collector should also see that the 14 parchadharis to whom the land was distributed are enjoying the possession of the land so settled in the favour.</p> <p>That be the case, I find no reason to interfere with the order passed by the Learned Additional Collector dated 29.02.2016 or the Learned Collector dated 03.02.2015. Both the orders are hereby confirmed.</p> <p>Revision Dismissed.</p> <div style="display: flex; justify-content: space-around; margin-top: 200px;"> <div style="text-align: center;">  Dictated & Corrected K.K.Pathak Additional Member Board of Revenue, Bihar. </div> <div style="text-align: center;">  (K.K.Pathak) Additional Member Board of Revenue, Bihar. </div> </div>	