

BOARD OF REVENUE, BIHAR, PATNA.

Revision (Land Ceiling Surplus) Case No.- 04/2012

Dist.- Purnea

PRESENT :- K.K. Pathak, I.A.S.,
Additional Member

Sita Ram Rishi and Others

Versus

The State of Bihar & Others-

- Petitioner/ Appellant

- Opposite party

Appearance:

For the Appellant/Revisionist : Sri Murli Manohar Singh

For the OP :

For the State : Sri Nirmal Kumar, Special G.P.

ORDER

07.12.2016

This is a Revision Petition filed by the Revisionist against the order dated 24.01.2007 passed by the Learned Divisional Commissioner in Miscellaneous Case No. 39/2004. The Revision was filed here on 18.09.2012. Since the matter was covered by limitation, the then Learned Additional Member passed an order on 15.09.2014 wherein the Revisionist could not explain the delay since 2007 in filing the Revision Petition. Accordingly, the Learned Additional Member rejected the Revision.

Subsequently the Revisionist applied for restoration and since then the matter has been pending for hearing on the point of restoration.

Heard the Learned Special G.P. on the point of restoration. The Learned G.P. pointed out that the case is hopelessly time barred and hence it is fit to be rejected.

Perused the Restoration Petition and allow the same. The Court, with the consent of all the concerned Lawyers, continued further hearing with the Learned

Advocate of the Revisionist and the Learned Special G.P. on the points of merit.

The Learned Advocate of Petitioner (Sita Ram and 7 Others) mentions that his client was given Purcha for Ceiling Surplus land acquired from the landholder Smt. Sushila Devi in the year 1991-92. However, the OPs namely, Smt. Budhia Devi and 4 Others also claim to be the Purcha Owners of the same land since 1987. The Learned Advocate further argues that the Learned Additional Collector had cancelled his Purcha on 20.11.2004. Aggrieved with this Order, he approached the Hon'ble Divisional Commissioner who rejected his prayer vide order dated 24.01.2007. His limited relief before this Court is the cancellation order of his Purcha should be quashed and the Purchas be restored.

Heard the Learned Advocate of the Petitioner and the Learned Special G.P. in great detail. The Learned Advocate of the OPs is absent. This case appears to be a case where two sets of Purchas have been issued by the District Administration on the same piece of Ceiling Surplus land.

From the perusal of the record, including the order of the Circle Officer dated 01.06.2004 and the order of the Additional Collector dated 20.11.2004 and the Divisional Commissioner Order dated 24.01.2007, it appears that the original Purcha Dhari were the OPs who were given the land in the year 1987-88 and were given peaceful possession over the piece of land. However, due to the error of the Anchal Office, the same piece of land was redistributed in the year 1991-92 with the Revisionists. As soon as the error was discovered, the Circle Officer initiated

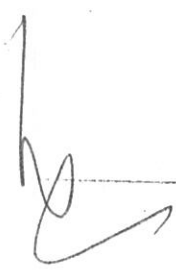


a proceeding to cancel the Purcha issued with the Revisionist in the year 1991-92.

The Circle Officer sent the recommendation to the SDO who agreed with the recommendation and sent the record to the Additional Collector for the cancellation of the Purchas of the Revisionists. The Additional Collector issued notices to all the parties and heard both the parties as well as the G.P. and then passed a reasoned and speaking order cancelling the Purchas of the Revisionists.

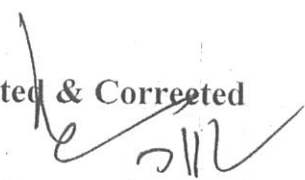
Aggrieved with order of the Additional Collector, the Revisionists made a prayer before the Hon'ble Divisional Commissioner. The Divisional Commissioner rightly refused to interfere with the order of the Learned Additional Collector and held that a Revision is not maintainable under a corrective proceeding under Rule-44 of the Bihar Land Ceiling Rules, 1963, as there is no provision of Revision for such corrective action.


Evidently, the State has erred by distributing Purchas twice on the same piece of land to two different sets of people and hence a long chain of litigations. It is also evident that the land under dispute remains perennially covered under water and the OP Purcha Dharis, who are in possessions of the water body, undertake fishery activity which is their traditional occupation. Things got complicated when, 4 years later, the District Revenue Authorities again settled the same land with the Revisionists. On realizing their mistake, the State had rightly initiated corrective steps by cancelling the Purchas of the Revisionist.



As such, I find the order of the Learned Additional Collector as a step to correct the mistake the local Revenue Authorities have committed and therefore, find no reason to interfere with the same. I accordingly uphold the order of the Learned Divisional Commissioner and the Learned Additional Collector. The Revision Petition is therefore dismissed.

Dictated & Corrected


K.K.Pathak
Additional Member
Board of Revenue, Bihar.


(K.K.Pathak)
Additional Member
Board of Revenue, Bihar.