

Revision (Land Ceiling Surplus) Case No.- 14/2008
Dist.- Purnea

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

Anandi Prasad Singh

- Petitioner/Appellant

Vs.

The State of Bihar & Others

- Opposite Party

Appearance:

For the Appellant/Revisionist : Sri Arun Kumar Ambastha
For the OP : Sri Nirmal kumar

ORDER

21.12.2016

This is a Ceiling Surplus Appeal filed on 30.06.2008 against the order dated 16.04.2008 passed by Commissioner Purnea in Ceiling Appeal No 26/2005. The delay was condoned on 23.12.2009 and case was admitted for hearing. The LCR took time to come and hence the matter got delayed. Subsequently on various dates the case was part heard. On 21.01.2015, the then Learned Additional Member stayed the distribution of land in question till the final decision by this Court. Since then the hearing could not be completed.

The Case again came up for hearing on 06.12.2016 where the Learned Advocate of the Petitioner was present and he desired a short date for perusal of record. The Case was finally heard on

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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
	<p>19.12.2016. The Learned Special GP was also present. Upon such hearing, this order is being passed.</p> <p>As per the Learned Advocate of the Petitioner, he is a transferee from the original landlord Shri Basudeo Singh who is the Father of OP No 2 and 3. This Revision Petition is preferred against the order of the Divisional Commissioner, Purnea in Ceiling Appeal No 26/2005 wherein the Hon'ble Commissioner vide order dated 16.04.2008 dismissed the Appeal and upheld the order the Learned Collector, Purnea dated 14.09.2004.</p> <p>As per the Revisionist, he purchased the land from the original landlord, measuring the area about 5.3 acres in all by three different sale deeds of three different dates viz. 04.05.55, 04.02.57 and 06.06.58. All these transfers were followed by mutation with due Jamabandi receipts issued and the land is in peaceful possession of the Revisionist. The Learned Advocate further mentioned that all these transfers were made before the cut off date of 22.10.59 and hence these land transfers should have been kept outside the Ceiling Laws.</p> <p>However, as per the Learned Advocate, this argument was not upheld by the Learned Collector, Purnea who dismissed the case by saying that he did not file the rent receipts. Therefore, the Collector rejected all the three land transfers. The Learned Advocate then appealed before the Hon'ble Divisional Commissioner Purnea and filed all the rent receipts since 1955 in continuity. However, the Learned Divisional Commissioner did not</p>	

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	<p>entertain his appeal and upheld the order of the Learned Collector. Amongst his other grounds, the Revisionist claimed that the land holder was not issued a notice under section 15A (1) of the Bihar Land Ceiling Act, 1961.</p> <p>Giving a brief background of the entire issue, the Learned Advocate mentioned that the then Chairman of the 20- Point Programme of the district convinced the land holder Shri Baseudeo Singh to surrender his surplus land. The land holder therefore surrendered some land including the disputed land on 30.08.1976. Moreover the surrender was not proper format. The Learned Advocate further points out that the Revenue Authorities were aware of the disputed land been already transferred vide verification report dated 18.10.1975 in the Ceiling case No 2067/73-74.</p> <p>I also heard the Learned Special GP in great detail. He mentioned that the transfer of 5.3 acres has been rejected by the Learned Collector. The Revisionist did not file any document in support of their claim that the land was transferred before 1959. Moreover under section 5 (iii) of the Land Ceiling Act, 1961, the Collector is fully empowered to make enquiry in connection with such transfers. Furthermore, the Revisionist did not file any objection under Section 10 (3) of the Land Ceiling Act.</p> <p>I have perused the order of the Learned Collector dated 14.09.2004 as well as the order of the Hon'ble Divisional Commissioner dated 16.04.2008. From the perusal of the records of the Lower Court as well as the arguments put forth by the Learned</p>	

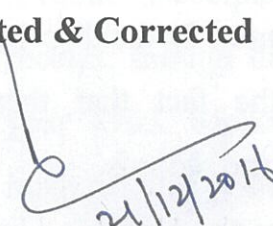
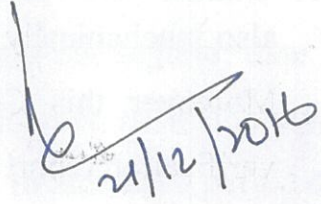
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	<p>Advocate of the Revisionist and the Learned Special GP, my own findings on the entire matter are as under :-</p> <p>(a) One of the primary contention on which the entire case is based is that the three land transfers made by the land lord in favour of Revisionist were made before the appointed date viz 22.10.1959. The Learned Collector rejected this prime contention of the Revisionist saying that he did not file any Revenue receipts of that period. The Learned Advocate of Revisionist mentioned before this Court that he has filed the Revenue receipts in court of the Hon'ble Divisional Commissioner. But from the perusal of the order of the Hon'ble Divisional Commissioner, it is clearly mentioned that the Revisionist did not file any rent receipts before the year 1959. I have myself perused the revenue Receipts so submitted. The earliest revenue receipt, though dates are mostly not legible, date to the year 1963. Moreover these are not in continuity, with huge gaps of years in between. In fact, for a period of over 60 years, only 12 rent receipts have been filed. This raises suspicion. This lends credence to the observation of the Learned Collector that perhaps these receipts were created as an afterthought as a result of fabricated sale deeds which too were created in collusion with the Revisionist and the land holder.</p> <p>(b) I also find it difficult to accept that the Revisionist was not aware that the land holder has included these disputed</p>	

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	<p>lands (which he claims to have purchased from land holder before 1959) when the land holder surrendered these lands in his return. Nor did he care to file an objection under Section 10 (3) of the Land Ceiling Act. Apparently it appears that there was an unholy alliance between the Revisionist and the land holder to defeat the objective of the Land Ceiling Act.</p> <p>(c) Coming to the third point raised by the Revisionist that the knowledge of this transfer was mentioned in the verification report dated 18.10.75. It must be mentioned that nothing changes the fact on ground. If the verification report is of the year 1975 then the same should have been reflected in the notification issued in the year 1976. The contention of the Revisionist that the notification issued was mechanical and the surrendered disputed plot was also mechanically accepted cannot be held to be correct. Moreover this Court notes the fact that there is no verification report available on the records.</p> <p>(d) This matter has already gone to the Hon'ble High Court, once in the year 1993 and then in 1995 when the case was reopened by the Collector Purnea as a result of the order of the Hon'ble High Court dated 05.1.96 in CWJC No. 11268/1995. Apparently this was the Case which was reopened at the request of the Revisionist and was more a delaying tactics when he filed an application under Section 45B of the Land Ceiling Act. Hence, it is evident that the Revisionist is leaving no stone unturned in order</p>	

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	<p>to save his 5.3 acres of surplus land from distribution. From the perusal of the records, it appears that so far he has been successful for the last 40 years.</p> <p>Based on the above findings, I am inclined to hold the view that the Revisionist has not been able to prove convincingly that the land transfer made to him by the landlord were of a period before 1959. It also points to an unholy nexus between the land holder and the Revisionist to defeat the objectives of the Land Ceiling Act.</p> <p>That be the case, I do not find any strong reason to interfere with the order passed by the Hon'ble Divisional Commissioner and the Learned Collector.</p> <p>Revision Dismissed.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Dictated & Corrected</p>  <p>K.K.Pathak Additional Member Board of Revenue, Bihar.</p> </div> <div style="text-align: center;">  <p>(K.K.Pathak) Additional Member Board of Revenue, Bihar.</p> </div> </div>	