



आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का ¹ हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
10.02.2017	<p style="text-align: center;"><u>BOARD OF REVENUE, BIHAR, PATNA.</u></p> <p style="text-align: center;">Revision (Land Ceiling Surplus) Case No. - 16/2015 Dist. - Samastipur</p> <p>PRESENT :- K.K. Pathak, I.A.S., </p>	

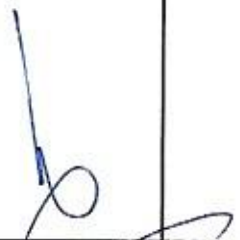
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	<p>only one ceiling proceeding was drawn. The Learned Advocate draws the attention of this Court to the second page of Learned Collector's order giving the detail of these four trusts. These trusts are independent trusts, as per the Learned Advocate, and are separately registered under Bihar Religious Trust Act, 1950.</p> <p>These trusts are Lalpur Matth at Rosra, Sambhua Matth at Dalsingh Sarai, Narayanpur Matth at Mehnar and Adharpur Matth at Ghanshyampur Darbhanga. Two matths are located in Samastipur district and one in Darbhanga and one in Vaishali.</p> <p>The Learned Advocate further argues that the total land involved in these matths was 141.03 acres. Of that, 29.85 acres was declared surplus and remaining 111 acres was allowed to be retained with these matths by the Additional Collector vide his order dated 02.07.1996.</p> <p>However, the Learned Collector, vide order dated 19.02.2015, set aside the order of the Learned Additional Collector who had treated all these four matths separately and has allotted separate land for each trust. The Learned Collector, however, ruled that these four trusts are not four different trusts but are four branches of the same trust headquartered at Samastipur and hence the Learned Collector only allotted one unit of 30 acres and declared all the remaining land as surplus.</p> <p>Thus aggrieved, the Petitioner has filed this Revision application against the order of the Learned Collector.</p> <p>The Learned Advocate also argues that he had approached the Hon'ble High Court and the matter was pending with the Hon'ble High Court and yet the Learned Collector went</p>	


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	<p>on to proceed and pass a final order. However, he is not pressing the point but claims that the order of the Learned Collector is not based on sound reasoning and the Learned Collector has not given any findings for his arriving at the fact that these trusts are not four independent entities but four branches of a single entity.</p> <p>The Learned Advocate reiterates that these four trusts are separately registered with Bihar Religious Trust Board with separate registration certificates. To this argument, this Court advised the Learned Advocate to file the separate certificates in this Court before 10.02.2017 as also the copy of the Hon'ble High Court order which the Learned Collector refer to in his order dated 19.02.2015.</p> <p>The Learned Advocate filed a supplementary affidavit mentioning therein the four certificates issued with respect to the four trusts today on 10.02.2017. However, he did not file the purported judgement of the Hon'ble High Court mentioning that he does not wish to press the point any further.</p> <p>Having heard the Learned Advocate of the Petitioner and having perused the material available on record, the Lower Courts Records as well as the order passed by the Learned Collector dated 19.02.2015 and the Learned Additional Collector dated 02.07.1996, my own findings on the case are as under:-</p> <p>(a) I find that the ceiling appeal before the Learned Collector Number 20/1996 took 20 years to be disposed. Order of the Learned Additional Collector was passed on 02.07.1996 whereas the order of the Learned Collector was passed on 19.02.2015. This delay in disposing of the ceiling appeal is deplorable.</p>	


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	<p>(b) However, I note that an interim order was passed by the Learned Collector on 07.01.2000 asking the Petitioner not to set up a brick kiln on the land so declared surplus. Aggrieved at this order, the Petitioner had approached the Hon'ble High Court in CWJC No. 497/2000 wherein the Hon'ble High Court, vide order dated 24.01.2000, stayed the interim order of the Learned Collector dated 07.01.2000. The Hon'ble High Court did not stay the ceiling proceeding per se and therefore the Learned Collector was right in disposing of the ceiling proceeding on merits.</p> <p>(c) Perhaps this stay order by the Hon'ble High Court was used by the Petitioner as a tool to delay the disposal of the ceiling appeal for 20 years before the Learned Collector.</p> <p>(d) The ceiling proceeding against the trust was drawn in 1973 vide Case No. 01/1973-74. In the said ceiling proceeding, one unit are allowed to the trust and a recommendation was sent to the State Government by the Learned Collector under Section 29(2) (a) (ii) of the Bihar State Land Ceiling Act, 1961. The Government, vide Memo No. 1032 dated 04.04.1981, approved the proposal of the Learned Collector and allowed the trust to retain 30 acres of land so identified. Aggrieved at this order, the trust filed an appeal before the Learned Collector under Section 30 who remanded the matter back to the Additional Collector. The Additional Collector heard the Petitioner and rejected his objections. Thus further aggrieved, the Petitioner filed a writ in the Hon'ble</p>	

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	<p>High Court CWJC No. 3316/1982. The Hon'ble High Court, vide order dated 25.02.1988, remanded the matter back to the Revenue Authorities. In the mean time, under amended Section 32A and 32B, the ceiling proceeding abated and a new ceiling proceeding was initiated ab initio. The Petitioner filed objections in the new proceeding. One of the major objections of the Petitioner was that the lands belonging to others have been included in the ceiling proceeding. Some of this transfer was allowed by the Learned Additional Collector in his order dated 02.07.1996. Another major objection was that all these four trusts are individually separate and have no connection with each other.</p> <p>(c) However, before the Learned Additional Collector, the Petitioner could only mention Registration No. 2596 vide which Narayanpur trust has been registered. He only produced three receipts towards payment of certain fee to the Religious Trust Board. With regard to Narayanpur trust, there is an affidavit also filed by one Mukhiya, before the Learned Additional Collector claiming that the said trust is an independent entity.</p> <p>(f) The Learned Additional Collector also held that the Sambhua Matth in Dalsingh Sarai is also an independent entity. However, he has not mentioned the basis of such finding. Also, there is an affidavit from a political person which said that the said trust is an independent entity. He has also submitted the letter before the Learned Additional Collector issued by the</p>	



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	<p>Bihar State Religious Trust Board saying that Sambhua Matth is having Registration No. 2596.</p> <p>(g) More or less, similar logic has been extended by the Petitioner before the Learned Additional Collector showing letters of Religious Trust Board in support of his assertion that each of these four trusts are not branches but independent entities. Based on these letters, the Learned Additional Collector has held that all the trusts are separate entities and accordingly allowed separate units for each trust. Accordingly, Learned Additional Collector held that the total land with the trust is 170.88 acres. After allowing 141.03 acres towards separate units for trusts as well as certain land transferred validly, he declared only 29.85 acre as surplus.</p> <p>(h) Aggrieved at the order of the Learned Additional Collector, the State went in appeal before the Learned Collector, who vide order dated 19.02.2015, allowed only 30 acres (equivalent to one unit) and to that extent the Learned Additional Collector's order stood modified.</p> <p>(i) It may be noted that the Learned Additional Collector, vide order dated 02.07.1996, allowed exemption for a lot of other lands which has been reportedly transferred by the trust before 09.09.1970. However on perusal of the record, it appears that the Learned Additional Collector has also allowed exclusion of certain lands which were transferred after 09.09.1970 and which fact needs to be enquired into.</p>	

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	<p>(j) Now, I come to the main dispute which is centred on whether these are four independent trusts or one trust with four branches. I perused the supplementary affidavit filed by the Petitioner today enclosing five letters written by Chairman/Assistant Superintendent of Bihar State Religious Trust Board. These letter are as under:-</p> <ol style="list-style-type: none"> i. Letter No. 6824 dated 19.07.1976 saying that all the four trusts namely Lalpur, Sambhua, Adharpur and Narayanpur are separate trusts and the trustee is Mahant Hargovind Das. ii. Letter No. 8122 dated 29.08.1980 saying that Narayanpur is a registered trust with Registration No. 2596 and the trustee is Mahant Hargovind Das. iii. Letter No. 8123 dated 29.08.1980 saying that Adharpur is a registered trust with Registration No. 2594 and the trustee is Mahant Hargovind Das. iv. Letter No. 8124 dated 29.08.1980 saying that Sambhua is a registered trust with Registration No. 2596 and trustee is Mahant Hargovind Das. v. Letter No. 8125 dated. 29.08.1980 saying that Lalpur is a registered trust with Registration No. 65 and trustee is Mahant Hargovind Das. 	

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	<p>(k) The above five letters have been gone through by this Court very carefully. The following is the observation of this Court with regard to the above five letters:-</p> <ol style="list-style-type: none"> i. With regard to the first letter, the letter was issued by the Chairman of Bihar State Religious Trust Board which basically says what Petitioner is saying that all the four trusts are different. However, all the four trusts have a common trustee namely Mahant Sri Hargovind Das. ii. With regard other four letters, which are issued by the Assistant Superintendent in seriatum in the year 1980, it may be noted that Narayanpur trust and Sambhua trust have a common Registration No. of 2596. This point was tried to be explained by the Learned Advocate of the Petitioner that it is typographical error. Now the question arises is why this typographical error was not removed in the last 37 years. iii. I also note that in the all four letters, the trustee is a common person namely Mahant Hargovind Das. This means that the same person is looking after all the four trusts. iv. I also note that there is no certificates given by the Petitioner about the 	

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	<p>registration. What is given is a letter saying that these trusts are registered and having separate Registration Number. It is not clear to this Court as to why the Petitioner still could not produce the certificates per se.</p> <p>(l) Thus from the above, it is clear that only one person is the trustee of all the four trusts although located in three different districts. It is also clear that the Petitioner has not produced any certificate of registration but has only produced letters saying that these trusts are registered bodies.</p> <p>(m) Thus, I find it difficult to hold that these trusts are different entities. Were I to agree to the averments made by the Learned Advocate of the Petitioner that these four trusts are different entities (just because they are registered separately and having separate registration numbers), then I would be turning the ceiling law upside down. If this Court were to juxtapose this argument in case of a landlord, then any landlord would claim separate units if their lands are located in separate districts. Since in the ceiling proceeding, we generally go by the person who is controlling the State and if he is the same man, then the entire land looked after by him in all the districts is clubbed together for the purposes of calculating the ceiling surplus. In the instant case, there is a common person looking after all the four trusts, hence all his lands were rightly clubbed together by the Revenue Authorities and the only one ceiling case was started.</p>	

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	<p>instead of four ceiling cases, notwithstanding the fact that the land of these four trusts are located in three different districts.</p> <p>(n) Thankfully, the argument taken by the Learned Advocate was only on account of having different registration numbers. If I were to accept this argument then cases may come up where land would be shown to be name of different deities notwithstanding the fact that all the deities may be looked after by one single Mahant. Therefore, this logic that the trusts are four different entities would not hold the muster of the spirit of Bihar State Land Ceiling Act, 1961. Otherwise, in future, many Mahants may come up asking for separate units for separate deities.</p> <p>(o) Thus, if we agree to the averments of the Petitioner, we would be opening a Pandora box apart from killing the very spirit of the Ceiling Act.</p> <p>Conclusion:-</p> <p>From the foregoing findings, it is difficult to believe that these four trusts are different entities. The fact that they are looked after by one person coupled with the fact that the name of trust is same (with only different geographical locations) makes it difficult for this Court to grant them separate independent status.</p> <p>To my mind, these trusts are not independent bodies but one body headed by one person and whose estate is extended into three different districts.</p>	

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	<p>The letter produced by the Petitioners therefore go on to prove only one thing that the four trusts, though having different registration numbers, are being looked after by a common person.</p> <p>That be the case, I find it difficult to agree with the argument of the Petitioner and hold that these trusts are not independent trust but different branches of same trust.</p> <p>Having said that, I uphold the order of the Learned Collector dated 19.02.2015 and direct him to proceed further in the matter.</p> <p>The Learned Collector is also directed to look into other transfers made by the said trust before or after 09.09.1970 and which were exempted from the ceiling proceeding by the Learned Additional Collector in his order dated 02.07.1996. This also includes the area excluded by the Learned Additional Collector as belonging to the personal land of the Mahant measuring 25.47 acres on the basis of the Circle Officer's Report No. 583 dated 15.07.1995.</p> <p>Revision Dismissed.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <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>	