
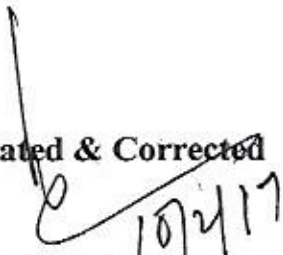
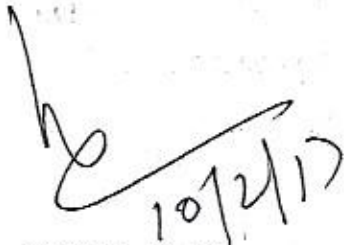


आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
10.02.2017	<p style="text-align: center;"><u>BOARD OF REVENUE, BIHAR, PATNA.</u></p> <p style="text-align: center;">Revision (Land Ceiling Surplus) Case No . - 279/2006 Dist .- Purnea</p> <p>PRESENT :- K.K. Pathak, I.A.S., Additional Member</p> <p>=====</p> <p>Buddhu Nonia @Budhan Nonia - Petitioner/ Appellant Versus Suresh Prasad Chauhan & Ors. - Opposite party =====</p> <p><u>Appearance:</u> For the Appellant/Revisionist :Shri Rakesh Prabhat 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 ceiling surplus case in which a Revision Petition was filed on 01.12.2006 against the order passed by the Hon'ble Divisional Commissioner, Purnea on 04.11.2006. The case was admitted for hearing and it remained part heard on many dates. Meanwhile, the Lower Court Records from the Commissioner's Office took time to reach.</p> <p>Subsequently, the case was heard on various dates. In the mean time, the Petitioner Sri Buddhu Nonia filed his written notes of argument. The OP No. 2 Sri Suresh Prasad Chauhan also filed his written notes of argument. On 25.10.2013, the State also filed their notes of argument.</p>	

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	<p>Finally, the case came up for hearing on 02.02.2017. The Learned Advocate of the Petitioner mentioned that he has already filed his written notes of argument on 08.10.2013 and has nothing more to add. He wants early adjudication of the matter.</p> <p>OP No. 2 was absent. However, the Learned Special GP was present and heard. He mentioned that the red card has been issued to one para military jawan Sri Suresh Prasad Chauhan who is the OP No. 2 and that is the basis of the order of the Learned Collector.</p> <p>Thus, concluding the hearing and having perused the material available on record as well as the Lower Court Records, my own findings on matter are as under:-</p> <p>(a) That the disputed land Khasra No. 368 having an area of 24 decimal was declared surplus in a ceiling proceeding drawn against the then landlord Sri Nisar Ali Khan.</p> <p>(b) A red card was issued for the disputed land in favour of Chinta Mani Nonia but it was subsequently declared void and cancelled.</p> <p>(c) Whether or not the said plot had an under raiyat was an issue which was dealt with in the Proceeding No. 73/1958 and vide order dated 28.08.1959, the entry with regard to under raiyat was cancelled. This, therefore, clears the way for the settlement of this land to any eligible person under Section 27 of Bihar Land Ceiling Act, 1961.</p> <p>(d) In a proceeding (No. 56/1991) initiated as a result of a Petition of the Petitioner, the Learned</p>	

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	<p>Collector, on 25.12.1990, issued an order for the Learned DCLR to conduct the physical inspection of the site.</p> <p>(e) The Learned DCLR conducted an enquiry and based on the enquiry report settled the land vide Case No. 7/1992-93 in favour of OP No. 2 Sri Suresh Prasad Chauhan.</p> <p>(f) Thus the contention of the Petitioner that this was done without his knowledge is not correct. Moreover, he could not prove that he is still the under raiyat at the time of the settlement of the land with the OP.</p> <p>(g) He has merely denied the fact that the said entry regarding the under raiyat has been deleted vide Case No. 73/1958 dated 28.08.1959. Such denial will not be helpful in his case unless he is able to prove that there was no deletion of the entry regarding the under raiyat.</p> <p>(h) I also find that the land settle in favour of Suresh Prasad Chauhan the OP No. 2 his as per the norms and the said settle fulfils the condition laid down under Section 27 of Bihar Land Ceiling Act, 1961.</p> <p>(i) I also note that the case has already been filed before the Learned Divisional Commissioner for Revision which was dismissed on 04.11.2006 on the ground of limitation. Whereas the Revision should have lied before the Board of Revenue as the order passed by the Learned Collector dated</p>	

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	<p>08.10.2004 was in his capacity as an Appellate Court.</p> <p>Conclusion:-</p> <p>From the aforementioned discussion, it is clear that the Petitioner has not been able to prove his right as under raiyat on the disputed land. Nor has he been able to deny the Proceeding No. 73/1958 vide which an order was passed on 28.08.1959 and all the entries with regard to under raiyat were removed.</p> <p>It is also a fact that due procedure was followed by the Learned DCLR while settling the land in favour of OP No. 2 and the said OP No. 2 also fulfils the condition laid down under Section 27 of Bihar Land Ceiling Act, 1961.</p> <p>That be the case, I do not see any justification to interfere in any of the lower courts judgements.</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>	