






आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का <sup>1</sup> हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
<p>18.01.2017</p> 	<p style="text-align: center;"><b><u>BOARD OF REVENUE, BIHAR, PATNA.</u></b></p> <p style="text-align: center;">Revision (Land Ceiling Surplus) Case No.: 31/2015 Dist.: Begusarai</p> <p>PRESENT : - K.K. Pathak, I.A.S., Additional Member</p> <p>=====</p> <p>Smt. Manju Singh &amp; Others - Petitioner/ Appellant</p> <p style="text-align: center;">Versus</p> <p>The State of Bihar &amp; Others - Opposite party</p> <p>=====</p> <p><b><u>Appearance:</u></b></p> <p>For the Appellant/Revisionist : Shri Sumit Kumar Singh</p> <p>For the OP :</p> <p>For the State : Sri Nirmal Kumar, Special G.P.</p> <p style="text-align: center;"><b><u>ORDER</u></b></p> <p>Heard the Learned Advocate of the Petitioner. He has argued that he is aggrieved by the order of the Learned Additional Collector dated 06.05.2015. He further mentioned that against this order, he had gone in appeal before the Learned Collector where the Learned Collector remanded the matter back to the Additional Collector.</p> <p>The Learned Advocate mentioned that as a result of this, the Learned Additional Collector ended up deciding in appeal, his own order. The Learned Advocate therefore wishes that the matter be remanded back to the Learned Collector Begusarai for passing order on merits.</p>	

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	<p>I have perused the record, available on file as also the orders passed by the Learned Collector and the Learned Additional Collector.</p> <p>It appears that there is no procedural infirmity in the order of the Learned Additional Collector dated 06.05.2015 as the said order is not against the order of the Learned Additional Collector dated 06.09.1999 which was passed in the original Ceiling Case No. 02/1973-74.</p> <p>The order dated 06.05.2015 is passed in a Miscellaneous Case No. 1/2006 which arose as a result of the Petitioner filing a Petition (as enclosed Annexure 11 of the Revision application) before the Learned Collector. The Learned Collector transferred this miscellaneous case to the Learned Additional Collector.</p> <p>In the said miscellaneous application, the Petitioner wanted the Learned Collector to perhaps reopen the ceiling appeal 15/2002 which was dismissed by the then Learned Collector vide order dated 12.02.2002 where the Learned Collector observed as under:-</p> <p>‘Heard the Petitioner and the State. It is not proper to admit this Petition at this stage of draft. The chance to come before this Court is still open to the Petitioner after 15(1). Meanwhile it is not admitted.</p> <p style="text-align: right;">SD/-’</p> <p>Therefore, apparently what the Learned Advocate of the Petitioner is perhaps hinting that the above order of the Learned Collector cannot be reopened by the Learned Additional Collector who is subordinate to the Collector.</p>	

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	<p>From the perusal of the order of the Learned Additional Collector dated 06.05.2015, it is clear that a notification under Section 15 (1) has already been published in the district gazette on 07.01.2002 itself and hence the case has already reached finality.</p> <p>Therefore, it is surprising that, when the notification under Section 15(1) has been published in 2002 itself, in the year 2006 the Petitioner files a miscellaneous case in which, vide Para 7, he mentioned that there has been no publication of the gazette under Section 15(1) of the Act.</p> <p>Since, Miscellaneous Case 1/2006 is entirely a new proceeding initiated as a result of a new application by the Petitioner, the Learned Collector was right in remanding the case to the Learned Additional Collector for disposal with regard to Section 15(1).</p> <p>Vide order dated 06.05.2015, the Learned Additional Collector has disposed of this miscellaneous application rejecting the Petitioner's claim to reopen the Ceiling Appeal No. 15/2002.</p> <p>Therefore, I see no reason for this Court to remand the case back to the Learned Collector because of any procedural infirmity. The order passed by the Learned Additional Collector, Begusarai dated 06.05.2015 is a substantive order and appeal against this order shall lie before the Learned Collector and not before this Court.</p> <p>Therefore, there is no need for this Court to interfere in ceiling proceeding or the distribution of the surplus land to the landless at this stage.</p>	



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	<p>That be the case, the Revision application is dismissed at the admission stage itself, with the liberty given to the Petitioner to file an appeal before the Learned Collector against the order of the Learned Additional Collector dated 06.05.2015.</p> <p>It is further directed that if the Petitioner chooses to file an appeal then the same should be filed within 15 days by the Petitioner from the date of receipt of this order.</p> <p>Subsequent to filing of appeal, the Learned Collector is directed to dispose of the appeal within a period of two months himself and need not transfer the matter to the Learned Additional Collector as the miscellaneous application relates to an order passed by his Learned Predecessor in 2002.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">   <b>Dictated &amp; Corrected</b>  <b>K.K.Pathak</b>  <b>Additional Member</b>  <b>Board of Revenue, Bihar.</b> </div> <div style="text-align: center;">   <b>(K.K.Pathak)</b>  <b>Additional Member</b>  <b>Board of Revenue, Bihar.</b> </div> </div>	