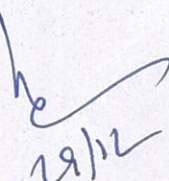
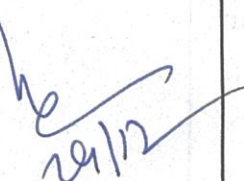

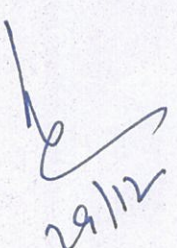


आदेश की क्रम सं० और तारीख	आदेश और पदाधिकारी ¹ का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
29.12.2016	<p style="text-align: center;"><u>BOARD OF REVENUE, BIHAR, PATNA.</u></p> <p style="text-align: center;">Revision (Land Ceiling Surplus) Case No.:- 34/2007 Dist.:- Sitamarhi</p> <p>PRESENT : - K.K. Pathak, I.A.S., Additional Member</p> <p>=====</p> <p>Surendra Thakur - Petitioner/ Appellant</p> <p style="text-align: center;">Versus</p> <p>The State of Bihar & Others - Opposite party</p> <p>=====</p> <p><u>Appearance:</u></p> <p>For the Appellant/Revisionist : Shri V.R.P.Singh</p> <p>For the OP :</p> <p>For the State : Sri Nirmal Kumar, Special G.P.</p> <p style="text-align: center;"><u>ORDER</u></p> <p>This is a Revision Application filed under Section 32 of the Bihar Land Ceiling Act, 1961 on 22.10.2007 against the order passed by the Learned Collector, Sitamarhi vide his letter no 459 dated 20.03.1985. The Case was admitted for hearing on 03.12.2007. Subsequently, the Case remained part heard on many dates.</p> <p>However, the Case was dismissed for default on 25.05.2011. Thereafter a Restoration Petition was filed and the case was restored. However, the case was again dismissed for default on 09.05.2013 as the Petitioner was absenting himself continuously. Again a Restoration Petition was filed and the case was restored on 09.07.2014. Since then the case remained part heard on many dates.</p>	

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आदेश की क्रम सं० और तारीख	आदेश और पदीयकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
	<p>The Case again came up for hearing on 28.12.2016. I heard the Learned Advocate of the Petitioner in great detail. I also heard the Learned Special GP on behalf of the State.</p> <p>Thus, concluding the hearing, this order is being passed today.</p> <p>As per the Learned Advocate of the Petitioner, this matter is regarding setting aside a notification dated 20.03.1985 issued under Section 15 (1) of the Bihar Land Ceiling Act, 1961. The gazette notification is also issued on 25.03.1985. The prayer of the Revisionist is that he wants his land measuring 4.26 acres (RS No. 721 measuring 3.82 acres and RS No. 711 measuring .44 acres situated in village Devnakhurd of district Sitamarhi) to be excluded from the above notification as the land has been wrongly included in the aforementioned notification.</p> <p>The Learned Advocate further claims that he is in possession of the land since long. As per the Revisional Survey (held around 1964) this land was wrongly entered in the name of Sri Pashupati Nath Mehta (the original landlord) who is the husband of OP No. 6 and father of OP No. 7. To rectify this mistake, the Revisionist filed Case No. 467/1978 before the Consolidation Officer for recording these plots in his name. The Consolidation Officer vide order dated 20.05.1980 ordered in his favour and accordingly khatian was prepared. The Learned Advocate mentioned that he has included a copy of the khatian as Annexure- 2 of the Revision Application.</p>	

आदेश की क्रम सं० और तारीख	आदेश और पदाधिकारी ³ का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
	<p>In the mean time, a land Ceiling Case was initiated (No. 4/73-74 and 8/73-74) against the landlord Sri Pashupati Nath Mehta and his wife Sri Jyotsana Mehta. Again, in the said proceeding the land belonging to the Revisionist was wrongly included. No notices were sent to the Revisionist in these two Land Ceiling Cases. As a result of the Land Ceiling Proceeding, a total of 62.35 acres was declared surplus which included the land of the Revisionist as well.</p> <p>The Revisionist further claims that he serves in the Border Security Force and was not aware of the notification issued in the year 1985. He came to know of it only in 2003 where upon he straight away approached the Hon'ble High Court in CWJC No. 72/2003. There upon, the Hon'ble High Court vide order dated 23.08.2007 remanded the matter back to the Board of Revenue for disposal and hence this proceeding.</p> <p>I also heard the Learned Special GP in detail who mentioned that the Petitioner has not challenged any final order but has only challenged the notification under Section 15(1). Therefore, this Revision Application is not maintainable under Section 32 of the Act.</p> <p>Having heard the Learned Advocate of the Petitioner as well as the Learned Special GP and having perused the original Ceiling Case, I am of the view that the Petitioner has not been given a chance to present his case in the said Ceiling Proceeding. The last activity in the LC Case No. 8/73-74 is of the year 2002 where after there has been no development in the Case before the court of the Learned</p>	

आदेश की क्रम सं० और तारीख	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
	<p>Collector. From the Lower Court Record, it is not clear that how much land has been acquired and distributed out of the 62.35 acres which was originally identified as Ceiling Surplus. However, that is not the subject matter of the instant dispute.</p> <p>The instant dispute is regarding the exclusion of the land belonging to the Revisionist measuring 4.62 acres from the notification issued in 1985. Having perused the Lower Court Record, I find that the Revisionist should have been given an opportunity to submit his case before the Learned Collector, Sitamarhi. I perused the copy of the khatiyani in favour of the Revisionist which was issued in the year 2002. However, the Learned Advocate of the Revisionist could not explain satisfactorily how the Revisionist came to own this piece of land. I also find that after the notification issued under Section 15(1) of the Act, the Revisionist had straight away approached the Hon'ble High Court rather than appealing before the Learned Collector under Section 30 of the Land Ceiling Act, 1961 because the notification under challenge was issued by the Learned Additional Collector.</p> <p>That be the case, I remand the matter back to the Learned Collector, Sitamarhi to consider the Revision application of the Revisionist and pass an appropriate order on the following issues: -</p> <p>(a) Whether the khatiyani as included in Annexure 2 of the Revision Application is correct or not.</p>	

आदेश की क्रम सं० और तारीख	आदेश और पदाधिकारी का हस्ताक्षर 5 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
	<p>(b) Whether the land of the Revisionist has been wrongly included in the land Ceiling Surplus of 62.35 acres from the landlord.</p> <p>Needless to mention that if the Learned Collector finds that the land of the Revisionist has been wrongly included then the same may be rectified and the land holder may be asked to compensate for the same.</p> <p>The Learned Collector shall issue notices to all the parties and decide the matter within the 3 months. The Revisionist is also directed to file an application before the Leaned Collector within 15 days from the date of passing of this order.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div data-bbox="405 1115 791 1400"> <p>Dictated & Corrected</p> <p><i>[Signature]</i> 29/12/2016</p> <p>K.K.Pathak Additional Member Board of Revenue, Bihar.</p> </div> <div data-bbox="845 1003 1236 1361"> <p><i>[Signature]</i> 29/12/2016</p> <p>(K.K.Pathak) Additional Member Board of Revenue, Bihar.</p> </div> </div>	