

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
30.11.2017	<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 - 35/2017 District - Samastipur</p> <p style="text-align: center;"><b>PRESENT : - K.K. Pathak, I.A.S., Additional Member</b></p> <p style="text-align: center;">=====</p> <p style="text-align: center;">Sri Vikram Singh - Petitioner/Appellant</p> <p style="text-align: center;">Versus</p> <p style="text-align: center;">The Collector, Samastipur - Opposite Party</p> <p style="text-align: center;">=====</p> <p><b><u>Appearance</u></b></p> <p>For the State : Shri Nirmal Kumar For the OP : Shri Sanjay Kumar</p> <p style="text-align: center;"><b><u>ORDER</u></b></p> <p>This is a Revision application filed against the order passed by the Learned Collector, Samastipur on 05.10.2013 in Case No. 94 of 2002-03. The case was transferred to this Court on 09.11.2017. Accordingly, notices were issued to the Revisionist and the State. The matter was posted for hearing on 21.11.2017.</p> <p>On that date, the Learned Advocate of the Revisionist was heard in great detail. The Learned Special GP was also present and heard in great detail.</p> <p>Thus concluding the hearing, this order is being passed today.</p>	



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	<p>As per the Learned Advocate of the Revisionist, the order of the Learned Collector, Samastipur was passed ex-parte without hearing the Revisionist. He draws the attention of the undersigned to the order of the Learned Collector dated 05.10.2013 wherein the Learned Collector has mentioned that since the Revisionist did not appear in spite of numerous notices, this Order is being passed ex-parte. He mentioned that he did not receive any notices.</p> <p>It was asked by this Court that why did he come so late in filing a Revision in this Court. The Learned Advocate replied that he was not aware of any order passed by the Learned Collector. He also mentioned that he came to know about this order of the Learned Collector, only when he received the notice from the Learned Additional Collector.</p> <p>Giving a background of the case, the Learned Advocate mentioned that the original landlord was Sri Gajendra Narayan Singh. The total land under his ownership was 1725 acres. Of this, 266 acres were given to the landlord and the remaining 1458 acres were declared surplus.</p> <p>As per him, the landlord was given 7.5 units as per the order dated 11.06.1976 passed by the Learned Additional Collector. The State went in appeal against the said order. As a result of this, by order dated 30.03.1983, the Learned Additional Collector reduced the same to 6 units. The State again went in appeal but the Learned Additional Collector upheld the order of 6 units.</p>	



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	<p>The Learned Advocate further pleaded that the original landlord Sri Gajendra Narayan Singh had 3 sons, namely, Sri Birendra Kumar Singh, Sri Surendra Mohan Singh and Sri Sudhanshu Mohan Singh. Sri Virendra Kumar Singh had 2 sons namely, Sri Sudhir Kumar Singh and Sri Sunil Kumar Singh.</p> <p>He mentioned that as on 09.09.1970, the two sons of Sri Virendra Kumar Singh were adult. The two sons, namely, Sri Sudhir Kumar Singh and Sunil Kumar Singh, both were given one unit each by the order of the Learned Additional Collector, vide order dated 26.03.2001, in Land Ceiling Case No. 24/1991.</p> <p>Concluding his arguments, he mentioned that the Learned Collector has set aside the order of the Learned Additional Collector and hence this Revision.</p> <p>The Learned Additional GP was also heard in great detail.</p> <p>He mentioned that the averments made by the Learned Advocate of the Revisionist cannot be agreed to as the order passed by Learned Collector cannot be called ex-parte because numerous notices were sent to the Revisionist but he did not appear. Even the newspaper notice was published, but he did not appear. Therefore, the Learned Collector had no option but to pass the order.</p>	



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	<p>The Learned Special GP further mentioned that this Revision Application had not been filed in time. Moreover, the Learned Collector has not passed the order on merit but has only remanded the matter back to the Learned Additional Collector. Therefore, the Revisionist should appear before the Learned Additional Collector and pray for early adjudication of the matter.</p> <p>Concluding his argument, the Learned Special GP mentioned that the Revisionist had not annexed any document in support of the contention that the two sons namely, Sri Sudhir Kumar Singh and Sunil Kumar Singh were adult as on 09.09.1970.</p> <p>Having heard the Learned Advocate of the Revisionist and the Learned Special GP and having perused the papers on record, my own findings on the matter are as under:-</p> <p>(a) I find that the Revisionist took a lot of time to file this Revision Application. However, in the interest of justice, this Revision Application was accepted believing the fact that Revisionist was not aware of the order passed by Learned Collector dated 05.10.2013.</p> <p>(b) I also find that though the order was passed in the absence of the Revisionist, due care was taken to inform the Revisionist. Numerous notices were sent.</p>	



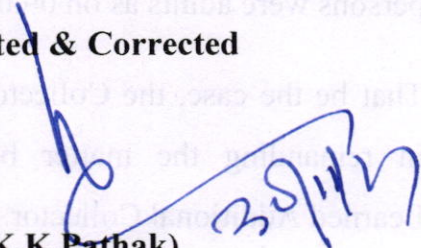
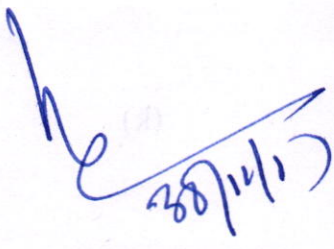
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	<p>The notices were duly received by the Revisionist but he did not appear.</p> <p>(c) This forced the Learned Collector to issue a public notice in the newspaper. But Revisionist was still absent. Therefore, I find that the Learned Collector did take all the steps to ensure the attendance of the Revisionist, failing which, he passed the impugned order. I find that the proceeding was continuing with the Learned Collector for more than 23 years, therefore, the Learned Collector did the right thing in adjudicating the matter finally.</p> <p>(d) I also find that about 985 acres of land was released by the Learned Additional Collector from the Land Ceiling Proceedings. This figure is different than the figure told by the Learned Advocate who mentioned that only 266 acres of land was given to the landlord. However, I presume that Learned Additional Collector has exempted certain other lands on behalf of various objectors.</p> <p>(e) This, as per the Learned Collector, was done without any inquiry or</p>	



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	<p>investigation. The Learned Additional Collector, it appears that, did not take any documentary evidence on record regarding the age of the two sons namely, Sri Sudhir Kumar Singh and Sunil Kumar Singh. He merely passed the order on the basis of the report of the Circle Officer.</p> <p>(f) I find that there are some merits in the arguments made by the Learned Collector and therefore, he was right in remanding the matter back to the Learned Additional Collector to investigate the whole issue.</p> <p>(g) In his opinion, the Learned Additional Collector should not have treated the two sons as adult without any valid documents. The Revisionist should have provided either the birth certificate or education certificate in support of his contention that the two sons were major as on 09.09.1970.</p> <p>(h) The Learned Advocate has filed the photocopy of the order of the Learned Additional Collector dated 26.03.2001. Nowhere in the said order, the Learned Additional Collector has mentioned the basis on which he has held the two sons</p>	



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	<p>namely Sri Sudhir Kumar Singh and Sri Sunil Kumar Singh as adults on 09.09.1970.</p> <p>(i) The Learned Additional Collector has only mentioned the order of the Learned Collector dated 11.06.1976 and the Order of the Learned Additional Collector dated 30.03.1983 vide which, 2 units were sanctioned to these two sons. And then, he goes on to hold the genealogy submitted by the Circle Officer as a basis for treating these two persons as adults.</p> <p>(j) No paper was submitted by the Learned Advocate other than the Genealogy of the Circle Officer to suggest that these two persons were adults as on 09.09.1970.</p> <p>(k) That be the case, the Collector was right in remanding the matter back to the Learned Additional Collector.</p> <p><b>Conclusion:-</b></p> <p>From the aforementioned findings, it is clear that the Revisionist has no legal documents in support of the age of Sri Sudhir Kumar Singh and Sri Sunil Kumar Singh. The Learned Advocate of the Revisionist was asked to submit</p>	

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	<p>any evidence in proof of the age, however, no paper was provided by the Revisionist.</p> <p>The Learned Collector has only remanded the case to the Learned Additional Collector quoting certain infirmities in the order of Learned Additional Collector dated 26.03.2001.</p> <p>The Revisionist, therefore, should appear before the Learned Additional Collector and press for early adjudication of the matter. That be the case, I find that no reason to interfere with the order passed by the Learned Collector on 05.10.2013. The Revisionist is directed to appear before the Learned Additional Collector who should dispose of the case within 3 months.</p> <p>Revision Dismissed.</p> <p><b>Dictated &amp; Corrected</b></p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">   <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>	