

In The Court of Commissioner, Saran Division, Chapra

Land Ceiling Appeal No. 472/2007

Deo Nath Prasad Singh & Ors.

Vrs.

.The State of Bihar & Ors.

ORDER

11.03.2016 — The instant appeal petition is directed against the impugned order passed by Collector, Saran at Chapra in Land Ceiling Case No. 02/2006 on 06.09.2007.

The brief facts of the case are that Deo Nath Prasad Singh & Dharmnath Singh, both sons of Late Bhagwat Singh, R/o Village- Muza, P.S. & Circle Baikunthpur, Dist- Gopalganj had filed a case u/s 45 B of Bihar Land Reforms (Fixation of ceiling Areas and Acquisition of Surplus Land) Act- 1961 in which the state of Bihar, through Collector, Saran and Mahanath Bindeshwar Parbat disciple Awadesh Parbat of Dharmnath Jee Temple, Ratanpura, P.S.- Bhagwan Bazar, Dist- Saran were made O.Ps. In the said case the dispute was related to the land appertaining to Khata No. 213, Plot No. 901, area 05 Katha 16 dhur which was claimed to be the land belonging to the Mahanath which was later on transferred to the appellant. Further case of the appellant is that when he wished to pay the rent of the said land to the Govt. he came to know that the said land was surrendered by the respondent No. 2 in favour of Govt. in land ceiling case No. 29/74-75. The Collector, Saran after hearing the parties finally vide order dated 06.09.2007 dismissed the said case. Feeling aggrieved by the said order the appellant has preferred this appeal before this court.

As the learned counsel for the private respondent was absent on the day of final hearing in the matter despite being given last chance on the previous date, the learned counsel for the appellant instead of forwarding any arguments regarding the merit of his case simply stated that this appeal may be disposed of on the basis of materials available on record.

Considering the facts and circumstances of the case and on perusal of the memo of appeal petition and impugned order, it is seen that the claim of the appellant before the Collector was solely based on the ground that his case was akin to the Land Ceiling Case No. 4/1997, Bharteshwar Narain Singh Vrs. The State of Bihar and decision made thereof as such the said order be applied in this case also. However, it appears that the learned Collector after considering the facts of the case came to the conclusion that the matter decided earlier can not be reopened again and the same is also not under the jurisdiction of the court and accordingly he rejected the said case. Obviously, there appears to be no infirmity or illegality in the said finding of the Collector which is very much in conformity with the relevant provision of the Land Ceiling Act and as such I do not find any good ground to make any interference in the impugned order.

For the aforementioned reasons, the impugned order is upheld and accordingly, this appeal petition is dismissed for want of any substantial merit.

Dictated and Corrected by me.

11-3-16
Commissioner,
Saran Division, Chapra

11-3-16
Commissioner,
Saran Division, Chapra