

CASE NO.:
Appeal (civil) 7070 of 2001

PETITIONER:
RAMESHWAR RAM & ORS

RESPONDENT:
STATE OF BIHAR & ORS

DATE OF JUDGMENT: 27/02/2008

BENCH:
TARUN CHATTERJEE & HARJIT SINGH BEDI

JUDGMENT:
JUDGMENT
O R D E R

CIVIL APPEAL NO.7070/2001

This appeal is directed against the order dated 11.9.2000 passed by the Division Bench of the High Court of Judicature at Patna in L.P.A. No.1088 of 1999 by which the LPA was disposed of in the following manner: "The collector to comply with the direction given by the Member, Board of Revenue, which runs as follows: "Accordingly the land transferred to Devendra Rai, Amala Rai and Bachi Devi after 9.9.70 without the permission of the Collector shall be kept in the ceiling area of the land holder and an equal area of other land of the land holder shall be declared as surplus in the ceiling case no.4/28/73-74 so that the interest of the innocent purchasers is not affected." contd...2/-

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This court has further directed that the Collector will issue notice to the parcha holders who have been granted purchase with regard to lands claimed by the purchaser before cancelling the same. The submission made on behalf of the appellants that they are remedy less is without justification. The Collector has to issue notice before cancelling the parchas. The appellants will get opportunity to place before him their stand which has to be considered by the Collector before passing the final order in terms of the orders passed by this Court."

We have carefully examined the orders of the Division Bench as well as of the learned Single Judge of the High Court, and after hearing the learned counsel for the parties, we are of the view that no interference is required in the said order of the Division Bench of the High Court excepting that we direct that the Collector shall issue notice and give proper opportunity to place
contd...3/-

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before him the stand of the appellants, which shall be considered by him on merits before passing any final order cancelling the parcha. The Collector shall decide the same within three months from the date of supply of this order to him. With this observation, the appeal is disposed of with no order as to costs.