

IN TH E SU P R E M E COUR T OF INDI A  
CIVI L AP P E L L A T E JUR I S D I C T I O N

CIVI L AP P E A L NO.7 0 7 0 / 2 0 0 1

RAM E S H W A R RAM & ORS.

....Appellants

VE R S U S

STA T E OF BIH A R & ORS.

....Respondents

OR D E R

d This appeal is directed against the order date

1 1 . 9 . 2 0 0 0 passed by the Division Bench of the High Court of  
Judicature at Patna in L. P . A. No.1 0 8 8 of 1 9 9 9 by which the L P A  
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, Amal a Rai and Bachi Devi  
after 9.9. 7 0 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/ 2 8 / 7 3 - 7 4 so that the interest of the  
innocent purchaser s is not affected."

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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

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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.

.....J .  
(TARUN CHAT T E R J E E )

.....J .  
(HAR J I T SING H B E D I)

N E W D E L H I ,  
F E B R U A R Y 2 7 , 2 0 0 8  
I T E M N O . 1 1 5

COURT NO.1 0

S E C T I O N X V I

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

C I V I L A P P E A L N O ( S ) . 7 0 7 0 O F 2 0 0 1

R A M E S H W A R R A M & O R S .

A p p e l l a n t ( s )

V E R S U S

S T A T E O F B I H A R & O R S .

R e s p o n d e n t ( s )

Date: 2 7 / 0 2 / 2 0 0 8 This Appeal was called on for hearing today.

C O R A M :

H O N ' B L E M R . J U S T I C E T A R U N C H A T T E R J E E  
H O N ' B L E M R . J U S T I C E H A R J I T S I N G H B E D I

F o r A p p e l l a n t ( s )

Mr. Akhilesh Ku m a r P a n d e y , A d v .  
Mr. Sudhan shu Suran, Adv.  
Ms. Shefali J ain, Adv.

F o r R e s p o n d e n t ( s )

Mr. R.S. Dvivedi, Adv.  
Mr. Ajay Choudhary, Adv.

Mr. Gopal Singh, Adv.  
Mr. B. B. Singh, Adv.

UPON hearing counsel the Court made the following  
O R D E R

The appeal is disposed of with no order as to costs, in  
terms of non- reportable signed order placed on the file.

(A.D. Shar m a)  
Court Master

(Phoolan Wati Arora)  
Court Master

(Non- reportable signed order placed on the file)