

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7574 of 1997

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The Bihar State Sugar Corporation Ltd., through its Managing Director, Punaichak,
Patna-800001

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Government of Bihar, Department of Revenue, Patna.
2. The Collector, Madhubani District at and P.O. & District Madhubani
3. The Land Reforms Dy. Collector, Madhubani, District Madhubani.
- 4(i) Pankaj Kumar, son of late Bindhyachal Mishra
- (ii) Deepak Kumar Mishra, son of late Bindhyachal Mishra, both are resident of Village Sagarpur, P.S. Sakari, District Madhubani
- (iii) Meena Jha, D/O late Bindhyachal Mishra and wife of Sri Bhavnath Jha, Village + P.S. Benipati, District Madhubani
- (iv) Veena Chaudhary, D/O late Bindhyachal Mishra and wife of Rajeev Choudhary, residence of Village Nagwas, P.S. Arer, District Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyan Shankar, Advocate
For the State : Mr. Kamlesh Kishore, AC to GP2.
For the Respondents : Mr. V.R.P. Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 11-03-2015

Heard the parties.

In the present writ petition petitioner the Bihar State Sugar Corporation (hereinafter referred to as 'the Corporation') which is a child of the State of Bihar has challenged the order dated 26.7.1993 passed by the Land Reforms Deputy Collector, Madhuani in Encroachment Case No.9 of 1990-1991 by which, declared the quarter standing over the land is the land of the State of Bihar and wrongly encroached upon the land by the Sugar Corporation whereas the Corporation claims that earlier it

was a unit of Darbhanga Raj. The Government of Bihar in terms of the Bihar Sugar Undertakings (Acquisition) Act, 1977 took over the management of the unit and later on it becomes one of the units of the Corporation.

From the record it appears that the unit has acquired 9 Bighas 14 Kathas and 17 Dhurs of land. A ceiling proceeding was initiated in which 5 Bighas, 14 Kathas and 2 Dhurs was acquired and those lands were settled with the landless people. It has been claimed that rest 2 Bighas 1 Kathas 10 Dhurs of land is still lying with Sakri unit of Corporation over which staff quarters are standing and was always under the possession and control of the Sakri Unit. It has been claimed that the Land Reforms Deputy Collector without examining the material on record and without making a proper measurement declare the land belonging to the State of Bihar though the land along with the quarters attached to the land are in possession of the Corporation being the owner of that land.

The Corporation is Public Undertakings of the State of Bihar and there is litigation policy which provides in case of litigation with the State and its Corporation the dispute can be resolved by a committee headed by the Chief Secretary. In view of the litigation policy of the State of Bihar as

it is not a very complex question of fact and law that required intervention rather it can be resolved by the effort from both parties sitting across a table with the help of High Power Committee. In such view of the mater, let the present case be placed before the High Level Committee headed by the Chief Secretary for resolution of the dispute of the present case. This Court has hope and trust that the matter will be resolved between the parties within a period of six months from the date of receipt/production of a copy of this order.

So long the matter is not resolved status quo as on today shall be maintained.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

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