

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5939 of 2012

=====

Sri Bimlendu Kumar Sinha Son Of Late Nageshwar Narain Sinha Resident
Of Village-Bishunpur, P.S.-Begusarai, District-Begusarai

=====

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Revenue Bihar,
Patna
2. The Collector, Begusarai
3. The Deputy Collector, Land Reforms, Begusarai
4. The Anchal Adhikari, Begusarai

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha
Mr. Arvind Kr. Sharma
Mr. Chetan Kumar
Mr. Bijay Kumar Sinha

For the Respondent/s : Mr. Prabhat Ranjan, AC to GP-12

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 04-12-2015 Heard the parties.

In the present writ petition filed under Article 226 of the Constitution of India, though the petitioner has assailed the validity and correctness of the notification dated 16.08.1990, published in the district gazette on 1st September, 1990, under Section 15(1) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (In short 'Land Ceiling Act'), as contained in Annexure-5, but basically his grievance is that for redressal of his valid grievances with respect to plot no. 1131 situate at Mauza Mirjapur Bandwa district Begusarai, he filed a petition under Section 37 of the Land Ceiling Act before the respondent District Collector, Begusarai giving rise to Miscellaneous Ceiling Case No. 110 of 1990, but till date neither his valid grievance has been redressed nor the aforesaid miscellaneous ceiling case filed on behalf of the petitioner under

Section 37 of the Land Ceiling Act has been disposed of.

Learned counsel appearing on behalf of the petitioner submits that it is true that there has been an amendment in the Land Ceiling Act in the year 1995 by way of an Ordinance, which, subsequently, was converted as the Bihar Act 8 of 1997, whereby the erstwhile provisions contained in Section 37 of the Land Ceiling Act was deleted, but despite the aforesaid deletion, since a petition was filed on behalf of the petitioner prior to the aforesaid amendment, the Collector was/ is obliged to decide the aforesaid petition filed on behalf of the petitioner in accordance with law. It is contended that the action of the respondent District Collector, Begusarai in not deciding the aforesaid Miscellaneous Ceiling Case No. 110 of 1990 on the ground of amendment in the Land Ceiling Act is contrary to the judicial pronouncements made by this Court in the cases of **Bijendra Prasad v. State of Bihar** [1996(1) PLJR 256] and **Bhagwan Singh v. State of Bihar** [1996(2) PLJR 61].

Learned AC to G.P. 12 appearing on behalf of the respondents though has filed a voluminous counter affidavit with respect to the claims of the petitioner regarding the lands in question as also regarding the original land ceiling case started against the original landholder, but he has fairly conceded that the aforesaid miscellaneous ceiling case filed on behalf of the petitioner under Section 37 of the Land Ceiling Act is required to be taken to its logical conclusion by the respondent District Collector, Begusarai in view of the aforesaid judicial pronouncements of this Court. He further contended that, in fact, a date has been fixed by the respondent District Collector for deciding the aforesaid miscellaneous ceiling case and he assures

that the District Collector shall decide the aforesaid miscellaneous ceiling case within a period of three months from the date of appearance of the petitioner before him.

In view of the aforesaid fair stand taken by the learned State counsel appearing on behalf of the respondents as also in view of the judicial pronouncements made by this Court in the cases of **Bijendra Prasad v. State of Bihar** (supra) and **Bhagwan Singh v. State of Bihar** (supra), the respondent District Collector, Begusarai is hereby directed to dispose of the aforesaid Miscellaneous Ceiling Case No. 110 of 1990 filed on behalf of the petitioner under Section 37 of the Land Ceiling Act on its own merit at an early date preferably within a period of three months from the date of appearance of the petitioner with a certified copy of the present order.

In order to expedite the matter, the petitioner is directed to appear before the respondent District Collector, Begusarai within a period of one month from today with a certified copy of the present order, whereafter the respondent District Collector, Begusarai, shall fix a firm date for deciding the aforesaid miscellaneous ceiling case strictly in accordance with law on the basis of the materials produced/ available on record.

However, it is clarified that before passing any final order, all concerned persons including the landholder and parcha holder(s), if any, must be given an opportunity of hearing.

The present writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

BTiwary/-

U			
---	--	--	--