

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14068 of 2015

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1. Jay Singh Yadav
2. Vijendra Yadav
Both sons of Late Deo Narain Yadav
3. Rajendra Yadav
4. Yogendra Yadav
Both sons of Late Surpat Yadav
5. Mushai Yadav @ Mushal Yadav Son of Late Ramji Yadav
6. Padma Nand Kumar Son of Bidya Nand Yadav
7. Smt. Kiran Mala Devi W/o Rudal Prasad Yadav
8. Shyama Nand Yadav Son of Late Ledhai Yadav
9. Ram Bilas Yadav
10. Anant Lal Yadav @ Andlal Yadav
Both sons of Late Bhupi Yadav
11. Keshari Chand Singh Son of Late Babu Lal Yadav
12. Ram Kumar Yadav Son of Late Thakai Yadav
All resident of village - Koskapur Tola Ramghat, P.S. Narpatganj, District - Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. The Hon'ble Minister, Deptt. of Revenue and Land Reforms, Govt. of Bihar, Patna
3. The Collector, Purnia
4. The Additional Collector, Araria
5. The Deputy Collector Land Reforms, Araria
6. The Circle Officer, Narpatganj, P.S. & Anchal Narpatganj, District - Araria
7. Saryug Singh Son of Late Kusum Lal Singh
8. Ram Ashish Singh Son of Late Kusum Lal Singh
9. Chandan Kumar Singh Son of Late Dinesh Singh
10. Sheo Narain Singh
11. Kishore Singh
12. Ram Kumar Singh
13. Arjun Singh No. 9 to 12 sons of Ganpat Singh
14. Anil Kumar Singh Son of Late Shankar Singh No. 7 to 14 are residents of village - Koskapur Tola, Laska, Police Station - Narpatganj, P.O. Khaira, Koskapur, District - Araria
15. Rabbi Mushar Son of Kanik Musahar
16. Sonai Mushar Son of Prem Musahar
17. Jitan Mushar Son of Rampat Musahar
18. Brihaspat Musahar Son of Dhathuri Musahar
19. Bhubaneshwar Musahar Son of Sainku Kusahar
20. Saryug Musahar Son of Sundar Musahar
21. Most. Lengri Widow of Moti
22. Subodh Lal Musahar Son of Jagrup Musahar
23. Thakan Musahar Son of Gena Musahar
24. Babujan Musahar Son of Hathi Musahar
25. Achin Lal Musahar Son of Tettar Musahar

26. Saten Mochi Son of Rabbi Mochi
27. Kanik Mochi Son of Rabbi Mochi
28. Rabbi Paswan Son of Mukhtar Paswan
29. Baijnath Paswan Son of Mukhtar Paswan
30. Manori Mochi Son of Suman Mochi
31. Mahabir Mochi Son of Bhim Mochi
32. Sadanand Mochi Son of Janak Mochi
33. Jitu Dom Son of Govind Dom
34. Rameshwar Dom Son of Govind Dom
35. Rameshwar Mochi Son of Toffi Mochi
36. Sukur Musahar Son of Kankir Musahar
37. Most. Sattni Daughter of Late Sri Lal Musahar
38. Most. Jiriya Wife of Late Kankir Musahar
Respondent Nos. 15 to 38 residents of village - Koskapur, P.S. Narpatganj,
District - Araria

.... Respondent/s

Appearance :

For the Petitioner/s : Mr.M.S. Khan
Mr. Chandra Bhushan Das
For the Respondent nos.1to6 : Mr. Ajay, GA-12
Mr. Pratik Kumar Sinha, AC to GA-12

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 17-09-2015 Heard learned counsel for the petitioners and learned
GA-12 appearing on behalf of the respondent nos.1 to 6.

The grievance of the petitioners in the present writ petition filed under Article 226 of the Constitution of India is that in the light of the observations made by a Division Bench of this Court by an order dated 04.01.2011 passed in LPA No.1299 of 2009 (Annexure-2), they filed Misc. Land Ceiling Case No.01 of 2012 (Araria) under Section 45B of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short 'Land Ceiling Act') for reopening of the original Land Ceiling Case No.54 of 1976-77 of erstwhile District of Purnia now the District Araria, but till date the aforesaid case filed on behalf of the petitioners has not been disposed of by the respondent no.2, the prescribed authority under Section 45B of the

Land Ceiling Act.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are the purchasers and all the purchases were made prior to 09.09.1970. Therefore, according to him, the lands in question are required to be excluded after reopening of the original Land Ceiling Case.

Learned GA-12 appearing on behalf of the official respondents submits that the issues of facts are required to be examined by the respondent no.2, at the first instance, by looking into the relevant records and documents/materials produced by the parties, and merely on the bald statement of the petitioners those issues cannot be decided in their favour.

It is true that the issues, which have been raised in the aforesaid Misc. Land Ceiling Case regarding the lands in question, are required to be examined by the respondent no.2 at the first instance by looking into the relevant records of the original Land Ceiling Case started against the land holder(s) as also the documents produced by the petitioners, but that matter cannot be kept pending for an unending period. Evidently, the aforesaid Misc. Land Ceiling Case was filed in the year 2012 and despite passage of more than three years that has not been disposed of till date. Every litigant has a legal right to approach the competent court/authority for redressal of his/her grievances. The competent court/authority cannot sit tight over the matter and cannot deny justice to any litigant/citizen by keeping the matter pending for an indefinite period. In all fairness, the aforesaid Land Ceiling Case filed on behalf of the petitioners ought to have been disposed of by the respondent no.2 by now.

However, be that as it may, in the given facts of the

case, the present writ petition is disposed of with a request to the respondent no.2 to take up the aforesaid Misc.Land Ceiling Case No.01 of 2012 (Araria) on priority basis and all endeavours should be made to dispose of the same, after giving an opportunity of hearing to all concerned, at an early date, preferably within a period of six months from the date of receipt/production of a copy of this order.

Till the aforesaid Misc.Land Ceiling Case No.01 of 2012 (Araria) is finally disposed of by the respondent no.2, the petitioners shall not be dispossessed from the lands in question, fully detailed in para-5 of the writ petition, if not already dispossessed.

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

(Birendra Prasad Verma, J)

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