

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15088 of 2014

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1. Mahfooj Ansari Son of Ali Akabar Ansari Resident of Village-
Khansama Tola, P.S. + P.O.- Hathua, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar through The Chief Secretary, Bihar, Patna
2. The Joint Secretary, The Chief Minister Secretariat, Government of Bihar, Patna
3. The Principal Secretary, Revenue Department, Government of Bihar, Patna
4. The Principal Secretary, General Administrative Department, Government of Bihar, Patna
5. The District Magistrate, Gopalganj
6. The Additional Collector, Gopalganj
7. The Deputy Collector Land Reform, Hathua, Gopalganj
8. The Sub Divisional Officer, Hathua, Gopalganj
9. The Circle Officer, Hathua, Gopalganj
10. The Manager, State Bank of India, Mirganj Branch, Gopalganj
11. The Manager, Allahabad Bank, Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : M/S. Ranjeet Kumar, Ranjeeta Singh &
Yogesh Kumar

For the Respondent/s : Mr. Siddhartha Prasad & Dr. Binod Kr. Jha

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 04-05-2015 The petitioner is a Mukhiya of Raj Ratanchak Gram Panchayat, Mirganj, Gopalganj. He states that the Panchayat of which he is the Mukhiya was part of erstwhile Hathura Raj Estate and in the extent of 4900 acres of land from Ex-Zamindar was declared as surplus under the Bihar Land Reforms(Fixation of

Ceiling Area and Acquisition of Surplus Land) Act. He submits that after several rounds of litigations, the matter was remanded to the Collector for verification of certain aspects through the order dated 17-2-2010 in C.W.J.C. No. 3217 of 1992.

The grievance of the petitioner is that though nearly five years have elapsed, the District Collector ,to whom the matter was remanded, did not dispose of the matter, and taking advantage of the pendency of the matter, the private individuals are occupying certain lands which were declared surplus as well as the one, as regards that, there is no dispute. He prays for a direction to the respondents to firstly dispose of the matter and thereafter to ensure that the land is made available for distribution to the landless people.

Heard learned counsel for the petitioner and learned counsel for the State.

Had it been the case where the land had already been vested with the Government, there would have been possibility for issuing direction to the concerned respondents as regards the manner in which the land shall be distributed or disposed of. Even according to the petitioner, the land was the subject matter of several proceedings initiated under the Ceiling Act, and as of now they are pending before the Collector. Obviously because the

extent of land is large and claims are complicated, the Collector did not dispose of the matter as yet. He cannot hustled to dispose of the matter in a hasty manner. Further, once the matter is pending before the District Collector, the Government would certainly be aware as to how the land must be dealt with. Unless the proceedings assume finality and have resulted in vesting of the land in the Government, it is not possible or advisable to issue direction, prayed for, in the writ petition.

Therefore, the writ petition is dismissed.

(L. Narasimha Reddy,CJ)

B.Roy/-

(Sudhir Singh, J)

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