

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22394 of 2014

With
Interlocutory Application No. 5402 of 2015

=====

Gagan Deo Ram aged about 44 years son of Sarju Ram resident of village
- Pipra Gous, P.O. and Police Station- Sariya, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate, Muzaffarpur at Muzaffarpur, P.O. and Police Station
Muzaffarpur Town , District- Muzaffarpur.
3. Commissioner Trihut Division at Muzaffarpur Town, District -
Muzaffarpur.
4. Circle Officer, Sariya P.O. and Police Station - Sariya , District -
Muzaffarpur .
5. Land Reforms Deputy Collector at Muzaffarpur , P.O. and Police Station
- Muzaffarpur Town , District - Muzaffarpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Amit Anand, Advocate

For the Respondent/s : Mr. H.S.Sudaram, AC to SC 10

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 17-12-2015

Heard the parties.

The grievance of the petitioner in the present writ petition filed under Article 226 of the Constitution of India is that though he was issued Parwana/Parcha, as contained in Annexure-1, under the provisions of Section 27 of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short, “the Land Ceiling Act”) and Rules made thereunder way back in the year 1993, but till date, he has not been given peaceful and unhindered possession over the land in question, which was allotted to him.

Learned State counsel, appearing on behalf of the respondents, prays for an adjournment enabling him to file a counter affidavit, but taking into consideration the nature of claims/grievances raised on behalf of the petitioner, this Court is



of the opinion that instead of keeping the matter pending before this Court awaiting the counter affidavit on behalf of the respondents, the interest of justice shall be subserved if the petitioner is granted liberty to approach the “competent authority i.e. the DCLR, Muzaffarpur” under the provisions of The Bihar Land Disputes Resolution Act, 2009 (in short, “the Act, 2009”). In fact, the aforesaid Act, 2009 was enacted only for resolution of such type of disputes.

In above view of the matter, the present writ petition is disposed of with a liberty to the petitioner to file a proper petition before the respondent DCLR, Muzaffarpur (respondent no.5) under the provisions of the Act, 2009 with all supporting documents in support of his claims with respect to the lands in question.

If such a petition is filed on behalf of the petitioner after impleading all the necessary parties as also with a certified copy of the present order within a period of six weeks from today, the respondent DCLR, Muzaffarpur shall be obliged to consider and decide the claims of the petitioner in accordance with law, particularly, bearing in mind the provisions contained in the Act, 2009 and the Rules made thereunder, but before passing any final order, opportunity of hearing must be given to all concerned including the petitioner and other concerned persons, who also lay their claim (s) over the lands in question.

If on consideration of the materials and hearing the parties, the respondent DCLR, Muzaffarpur comes to a conclusion that the claims raised on behalf of the petitioner with respect to the lands in question are admissible to him, then consequential steps shall also be taken for grant of such admissible claims.

The parties shall be at liberty to raise all the issues of facts and law, which may be available to them with respect to the lands in question before the respondent DCLR, Muzaffarpur.

It is expected that if such a proper petition is filed on behalf of the petitioner within the time indicated above, the same shall be disposed of at an early date preferably within a period of three months from the date of filing of such petition by the petitioner.

The writ petition stands finally disposed of with the observations and directions made above. I.A.No. 5402 of 2015 also stands disposed of.

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--