

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2883 of 2012

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1. Baleshwar Prasad Sah, Son of Late Rup Narain Sah
2. Ravindra Kumar Bhartiya, Son of Late Ashok Sah
3. Sheo Narain Sah, Son of Late Feku Sah
4. Luri Sah, Son of Late Feku Sah
5. Lukho Devi, Widow of Late Deo Narain Sah
6. Chhathu Prasad Sah, Son of Late Feku Sah
All Resident of Village - Shripur, Police Station - Bhawanipur, District - Purnia

.... Petitioner/s

Versus

1. The State of Bihar
2. The Minister, Department of Revenue and Land Reforms Government of Bihar, Main Secretariat Building, Patna
3. The Collector, Katihar
4. The Sub-Divisional Officer, Katihar within the District of Katihar
5. The Anchal Adhikari at Falka within the District of Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Prasad Ambastha
For the Respondent/s : Mr. Rajiv Roy, GP-5
Mr.D.K.Singh, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 17-09-2015

Heard the parties.

The grievance of the petitioners in the present writ petition filed under Article 226 of the Constitution of India is that they filed a petition 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 Land Ceiling Case No.109 of 1973-74/5 of 1976-77 (State Vs. Vinodanand Chaudhary), which gave rise to Misc. Land Ceiling Case No.07 of 2010 (Katihar), but till date the respondent no.2 has not disposed of the aforesaid case filed on behalf of the petitioners.

Learned counsel appearing on behalf of the

petitioners submits that the petitioners are the purchasers and the lands purchased by them was wrongly clubbed in the aforesaid Land Ceiling Case No. 109 of 1973-74/5 of 1976-77 and was ultimately declared surplus. Therefore, according to him, the aforesaid Land Ceiling Case is required to be re-opened for the purposes of consideration of the claims of the petitioners regarding the lands in question and for passing the appropriate final order. It is pleaded that, in above view of the matter, a direction may be issued to the respondent no.2 to decide the aforesaid Misc.Land Ceiling Case No.07 of 2010 (Katihar) filed on behalf of the petitioners within a reasonable period of time.

Learned AC to GP-5 appearing on behalf of the respondents, though has filed a counter affidavit on behalf of the respondent nos.3 and 5, but has not been able to show that the aforesaid Misc.Land Ceiling Case No.07 of 2010 (Katihar) filed on behalf of the petitioners has finally been disposed of.

In the considered opinion of this Court, once the petitioners have approached the respondent no.2, the prescribed authority under Section 45B of the Land Ceiling Act, then their case is required to be finally disposed of in accordance with law and the matter cannot be kept pending for indefinite period.

In above view of the matter, the respondent no.2 is hereby requested to dispose of the aforesaid Misc.Land Ceiling Case No.07 of 2010 (Katihar) at an early date preferably within a period of six months from the date of receipt/production of a copy of this order.

The parties shall be at liberty to raise all the issues of facts and law, which may be available to them, before the respondent no.2.

Till the aforesaid Misc.Land Ceiling Case No.07 of 2010 (Katihar) is finally disposed of by the respondent no.2, the petitioners shall not be dispossessed from the lands in question detailed in paragraph 6 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)

Arvind/-

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