

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17324 of 2013

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1. Shiyaram Yadav, Son Of Late Adhik Lal Yadav
2. Jay Kumar, Son Of Late Dinesh Prasad Yadav
Both Resident Of Village - Dirachandpur, P.S. Falka, District - Katihar

.... Petitioner/s

Versus

1. The State Of Bihar through its Hon'ble Minister, Revenue and Land Reforms Department, Bihar, Patna
2. The Secretary, Department Of Revenue and Land Reforms Bihar, Patna
3. The Collector, Katihar
4. Upendra Prasad Yadav, Son Of Late Dukha Prasad Yadav, Resident Of Village - Chandpur, P.S. Falka, District - Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv.
For the Respondent nos.1to3 : Mr. Nirbhay Kr.Singh, GP-26

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 10-12-2015 Heard the parties.

The grievance of the petitioners in the present writ petition filed under Article 226 of the Constitution of India is that the petition filed on their behalf under Section 45-B of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short 'Land Ceiling Act') in the light of the order/direction dated 09.07.2010 passed in CWJC No.10556 of 2010 (Annexure-3) giving rise to Case No.4 of 2010 is not being disposed of by the respondent no.1 despite passage of more than five years.

Indisputably, for redressal of their valid grievances, the petitioners had approached this Court in the aforesaid CWJC No.10556 of 2010, which was finally disposed of by an order dated 09.07.2010 with a liberty to the petitioners to approach the State Government under Section 45-B of the Land Ceiling Act. It

is not in dispute that in the light of the aforesaid order, the petitioners filed their petition under Section 45-B of the Land Ceiling Act for redressal of their valid grievances, but since the date of filing of the aforesaid case more than five years have already been elapsed, yet aforesaid Case No.4 of 2010 has not been disposed of till date.

The petitioners have statutory right to approach the State Government under Section 45-B of the Land Ceiling Act. Therefore, the claim of the petitioners raised before the State Government can either be allowed or can be rejected on the basis of the materials available on the record, but the matter cannot be kept pending for an unending period.

In the aforesaid factual matrix of the case, this Court directs the respondent no.1 to dispose of the aforesaid Case No.4 of 2010, if not already disposed of, filed on behalf of the petitioners at an early date preferably within a period of three months from the date of appearance of the petitioners before the respondent no.1 with a certified copy of the present order.

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

(Birendra Prasad Verma, J)

Arvind/-

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