

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2437 of 2015

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Ram Shresth Singh S/o late Jungi Singh Resident of Village-Shri Krishna Nagar, within Ward No.-23 Begusarai Municipal Corporation, P.S.-Begusarai Town, District-Begusarai.

.... Petitioner

Versus

1. The State of Bihar through collector, Begusarai.
2. The District Collector, Begusarai.
3. Additional Collector, Begusarai.
4. The Anchal Adhikari, Chhourahi Anchal within Begusarai District.
5. The Anchal Adhikari, Cheria Bariyarpur Anchal, District-Begusarai.
6. K.C. Chhourahi, Begusarai.
7. Prahlad Singh S/o Ram Binod Singh
8. Sanjay Kumar S/o Late Ram Binod Singh
9. Ashok Singh S/o Late Ram Naresh Singh.
10. Ramashray Singh S/o Late Jungi Singh
11. Ram Milan Singh S/o Late Jungi Singh
12. Ram Balak Singh S/o Late Shibu Singh
13. Ram Chander Singh S/o Late Ramphal Singh
14. Hajari Singh
15. Ramlagan Singh
16. Bachcha Pd. Singh
17. Fulena Singh All sons of Late Ramphal Singh, Resident of Village-Madhurapur, P.S.-Teghra, District-Begusarai.

.... Respondents

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Appearance :

For the Petitioner : M/s. Pramod Man Bansh and
Rabindra Kumar, Advocate

For the Respondents : Mr. Pawan Kumar, A.C. to G.A.9

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 26-02-2015 Two weeks' time was granted to the State respondents vide order dated 10.2.2015 for filing counter affidavit. However, even after expiry of such period, no counter affidavit has been filed and learned counsel for the State submits that he has not received any instruction despite communication of this order to the concerned authority.

In such a situation, this has to be accepted that the State authorities is not desirous of filing any counter affidavit.

In the aforesaid background of the matter and also in view of the nature of order which is going to be passed in this case, this application is being considered without waiting further for filing of counter affidavit.

The contention of the petitioner is that the proceeding was initiated against him by the respondents which was disposed of by the Collector under the Act, i.e., the Deputy Collector Land Reforms, Manjhaul in Case No.232 of 1986 vide order dated 8.8.1997. A copy of the order has been appended as Annexure-1.

The original authority has recorded its finding in clear terms that the transaction concerned, being much earlier from the cut off date, i.e., 1.1.1946, the proceeding under Section 4(h) of the Bihar Land Reforms Act, 1950 would be illegal. The aforesaid order of the D.C.L.R. was put to challenge by filing Appeal No.1 of 1999, however, the petitioner's grievance is that the same has remained pending even after lapse of about 15-16 years as no final decision has been taken by the appellate authority.

In the aforesaid factual matrix coupled with the fact that the State respondents, though were directed to file counter

affidavit but have chosen not to do so, this Court does not have any option than to dispose of the writ application by directing the Collector, Begusarai to dispose of the Appeal No.1 of 1999 within a period of 60 days from the date of receipt/production of a copy of this order after granting reasonable opportunity to all the concerned.

Learned counsel has raised another issue pointing out from the order sheet that, by the first order itself, the Lower Court Records were called for and at the same time delay was also condoned without waiting for service of notice upon the respondents. The petitioner would also be at liberty to raise such issue before the appellate authority.

Accordingly, this writ application stands disposed of.

(Dr. Ravi Ranjan, J)

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