

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4571 of 2016

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Gaurav Kumar Rai Son of Late Arbind Roy, resident of Village Tulsipur, Police Station Kharik, District Bhagalpur, at present residing at Village Kathotia, Police Station Krityanand Nagar, District Purnia.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector of the District of Purnia.
3. The Deputy Collector Land Reforms, Sadar within the District of Purnia.
4. The Anchal Adhikari, K. Nagar Anchal within the District of Purnia.
5. Shambhu Rishi Son of Late Madho Rishi.
6. Chhatri Rishi Son of Late Kunjal Rishi.
7. Jago Rishi Son of late Puran Rishi.
8. Brahmdeo Rishi Son of Late Ramadhar Rishi.
9. Gajjan Rishi Son of Late Basudeo Rishi.
10. Bindeshwari Rishi Son of Late Biran Rishi. No. 5 to 10 are residents of Village Malidih Sabutar Police Station Kriytanand Nagar District Purnia.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hemendra Pd. Singh, Sr. Adv.
Mr. Ravindra Kr. Choudhary

For the Respondent No.1 to4. Mr. Pratik Kumar Sinha, AC to GA-XII

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 17-05-2016 Heard the learned Senior counsel appearing on behalf of the petitioner and the learned AC to GA- XII appearing on behalf of the respondent no.1 to 4.

The only grievance of the writ petitioner in the present proceeding filed under Article 226 of the Constitution of India is that he filed a petition under Section 47 of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act,1961 (in short ‘ Land Ceiling Act’) before the District Collector, Purnia for grant of appropriate relief to the petitioner, which gave rise to Miscellaneous Ceiling Case No. 16 of 2013, but till date the aforesaid miscellaneous case has not been disposed of by the respondent District Collector, Purnia for the reasons best known to him.



In view of the nature of grievance raised on behalf of the petitioner in the present proceeding, this Court is of the opinion that instead of keeping the matter pending before this Court asking the respondents to file their counter-affidavit, the interest of justice shall be sub-served if the respondent District Collector, Purnia is directed to dispose of the aforesaid Miscellaneous Ceiling Case No. 16 of 2013 at an early date preferably within a period of three months strictly in accordance with law. It is ordered accordingly.

Now, the petitioner shall appear before the respondent District Collector, Purnia with a certified copy of the present order within a period of one month from today, whereafter the respondent District Collector, Purnia shall take up the aforesaid Miscellaneous Ceiling Case No. 16 of 2013 on priority basis, if not already disposed of, and shall make all endeavours to dispose of the same at an early date preferably within a period of three months from the date of appearance of the petitioner. However, before passing any final order, opportunity of hearing must be given to all concerned including the petitioner and the respondent no. 5 to 10, besides others, if any.

It is clarified that if the respondent no. 5 to 10 herein have not been impleaded as party respondents in the aforesaid miscellaneous ceiling case No.16 of 2013, then the petitioner shall implead them as party in the aforesaid miscellaneous ceiling case and thereafter, the matter shall be disposed of in the manner and within the time indicated above.

It is further clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition and this is left to be decided by the respondent District Collector, Purnia strictly in accordance with

law.

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

(Birendra Prasad Verma, J)

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