

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21512 of 2013

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Kamleshwar Kumar Chaudhary son of Ram Kumar Chaudhary, resident of village Mahmadpur Kanth, P.S. Sakra, Dist. Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Muzaffarpur.
3. The Additional Collector, Muzaffarpur.
4. The Deputy Collector Land Reforms, East Muzaffarpur, Dist. Muzaffarpur.
5. The Circle Officer, Sakra Block, Dist-Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 28-06-2016 Heard Mr. Ajay Kumar Singh counsel for the petitioner and AC to GP-9 for the State.

Parties have exchanged pleadings.

It is stated that petitioner served the Indian Navy as petty Officer and retired in 1994. In 1989 he applied for allotment of government waste land for the purpose of agriculture. Entitlement of the petitioner to such allotment of two acres of land for agriculture purpose is reflected from Annexure-3 which is the government instruction dated 16.8.1982 issued in the Department of Revenue and Land Reforms. The Deputy Collector, Land Reforms by a proceeding dated 11.7.1991 approved the proposal and directed for placing before the Additional Collector for

according approval for such settlement of Government land in favour of the petitioner. The matter since then is pending before the respondents.

Learned counsel for the State submits that subsequently in 1992, the Deputy Collector Land Reforms found certain defects in the records and the same was returned to the Circle Officer for making appropriate correction(s) in the record/proposal. Based on the same, the Circle Officer by order dated 23.3.2013 turned down the request of the petitioner that the allotment of land was for horticulture purpose. There is no provision for allotment of land for orchard purposes.

Counsel for the petitioner submits that petitioner had applied for allotment of land for agricultural purposes. This is also evident from the order of the Deputy Collector Land Reforms. Authority, however, appears to have committed a mistake in preparing the check slip and the proposals. Such rejection of his claim for allotment of government land by the Circle officer is, therefore unsustainable in law.

After hearing both the sides, it appears to this Court that the request was made for allotment of the land for agricultural purposes. There is no provision for allotment of land for orchard purposes. It also appears that the matter remained

pending before the authorities for a very long time. In the fitness of thing, the Collector of the District being the highest Revenue authority should enquire into the grievance of the petitioner and pass appropriate orders directing the concerned respondents to take steps accordingly without being precluded in any manner by the order of the Circle Officer.

Let the petitioner make a detailed representation in this regard before the respondent Collector whereafter the said respondent may make appropriate enquiries call for relevant records, if found necessary, and take appropriate decision and/or pass appropriate orders thereon in accordance with law as quickly as possible preferably within 03 months from the date of such filing of the application before the respondent.

(Kishore Kumar Mandal, J)

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