

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11386 of 2013

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1. Vakil Sahani
2. Mahanth Sahani
3. Shri Subash Sahani
All Sons Of Late Daroga Mallah
4. Most. Godawari Kuer, Wife Of Late Nabalig Sahani
5. Raj Kishore Sahani, Son Of Late Nabalig Sahani
All Resident of Village- Chandpara, P.S.-Kesaria, District- East Champaran,
Motihari

.... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Bihar, Patna
2. The Collector of District East Champaran, Motihari
3. The Deputy Collector, Land Reforms, East Champaran
4. The Sub Divisional Magistrate, Chakia, Dist- East Champaran
5. The Circle Officer, Anchal Kesaria, Dist- East Champaran
6. Bettiah Raj through its Manager Bettiah Raj, West Champaran, Bettiah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey, Adv.
Mr.Subhash Kumar Mishra, Adv.
For the Respondent nos.1to5 : Mr. Swapnil Kumar Singh, AC to GP-1
For the Respondent no.6 : Mr.Binod Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

8 15-03-2016 Heard the parties.

The petitioners claim to be the settlees of the lands in question, fully detailed in paragraph 3 of the writ petition. Their grievance is that, despite claims raised on their behalf, fair and equitable rent is not being determined by the Collector under the provisions of The Bihar Land Reforms Act, 1950 (in short ‘Act, 1950’).

A counter affidavit has been filed on behalf of the newly added respondent no.6 wherein the claim of settlement has been disputed, whereafter a reply affidavit has been filed on behalf of the petitioners disputing the aforesaid assertions made on behalf

of the respondent no.6.

After going through the materials available on the record, this Court finds that there has been no final adjudication regarding determination of fair and equitable rent by the Collector under Section 6 of the Act, 1950.

In above view of the matter, the petitioners are granted liberty to file an appropriate petition, after impleading all the necessary parties including the respondent no.6, besides others, if any, for determination of fair and equitable rent with respect to the lands claimed by them under Section 6 of the Act, 1950.

If an appropriate petition, as indicated above, is filed on behalf of the petitioners within a period of one month from today with a certified copy of the present order, then the Collector under the Act, 1950 shall be obliged to consider and decide the claims of the petitioners by a reasoned and speaking order, after giving an opportunity of hearing to all concerned including the petitioners, the respondent no.6 and others, if any, at an early date, preferably within a period of six months from the date of filing of such petition.

If on consideration of the materials and after hearing the parties, the Collector under the Act, 1950 comes to a conclusion that the claims raised on behalf of the petitioners with respect to the lands in question are admissible to them, then he shall take further steps for grant of such admissible claims after passing final order under the provisions of the Act, 1950 and the rules made thereunder.

The parties shall be at liberty to raise all the issues of facts and law, which may be available to them, with respect to the lands in question.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the parties with respect to the lands in question and it is left to be decided by the Collector under the Act, 1950 strictly in accordance with law.

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

(Birendra Prasad Verma, J)

Arvind/-

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