

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4165 of 2014

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1. Luchhai Chhaupal
2. Dahaur Choupal
Both Sons of Kesri Choupal, Resident of Village Naruar, P.S. Bhairabastan,
Jhanjharpur, Distt. Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar through Secretary, Department Of Revenue and Land Reforms, Patna
2. Bhudan Yagya Committee through its Executive Officer, Patna
3. District Bhudan Yagna Committee, through Office Secretary, Madhubani
4. The Collector, Madhubani
5. The Deputy Collector Land Reforms, Madhubani
6. The Circle Officer, Jhanjharpur, District - Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Jha, Adv.
Mr. Sushil Kumar Jha, Adv.
For the Respondent nos.1&4to6 : Mr. Ashutosh Singh, AC to SC-1
For the Respondent nos.2&3 : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 21-06-2016 Heard learned counsel for the petitioners and learned State counsel appearing on behalf of the respondent nos.1 and 4 to 6. However, none appears on behalf of Bihar Bhoodan Yagna Committee, though the name of the learned counsel is printed in the daily cause list.

The petitioners claim to be the settlees of the lands in question, fully detailed in paragraph 5 of the writ petition, by the Bihar Bhoodan Yagna Committee vide certificate dated 20.02.1979 (Annexure-1).

The grievance of the petitioners is that, in view of the aforesaid settlement, they approached the Circle Officer, Jhanjharpur for grant of consequential reliefs to the petitioners, but, despite enquiry report submitted by the Halka Karamchari,

final order has not been passed by the respondent Circle Officer, Jhanjharpur and the matter is being kept pending for the reasons best known to the respondent Circle Officer.

The present writ application was filed way back on 21.02.2014, but till date no counter affidavit has been filed either by the learned State counsel or by the learned counsel appearing on behalf of the Bihar Bhoodan Yagna Committee.

In view of the nature of the grievances/claims raised on behalf of the petitioners with respect to the lands in question and in view of the fact that despite passage of more than two years counter affidavit has not been filed on behalf of the respondents, this Court is of the opinion that, instead of keeping the matter pending any longer asking the respondents to file their counter affidavit, the interest of justice shall be sub-served, if the petitioners are granted liberty to file an appropriate petition under the provisions of The Bihar Bhoodan Yagna Committee Act, 1954 (in short 'Act,1954) before the respondent District Collector, Madhubani, who is also a Revenue Officer under the provisions of the Act, 1954, for grant of appropriate relief(s) with respect to the lands in question. It is ordered accordingly.

If such a petition 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 respondent District Collector, Madhubani shall be obliged to initiate a proceeding under the provisions of the Act, 1954 and shall pass an appropriate final order strictly in accordance with law after giving an opportunity of hearing to the petitioners, Bihar Bhoodan Yagna Committee and/or its functionaries and others, if any. The respondent District Collector, Madhubani shall make all endeavours to dispose of the

aforesaid case at an early date preferably within a period of six months from the date of filing of such petition in the manner indicated above.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioners with respect to the lands in question and it is left to be decided by the Revenue Officer 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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