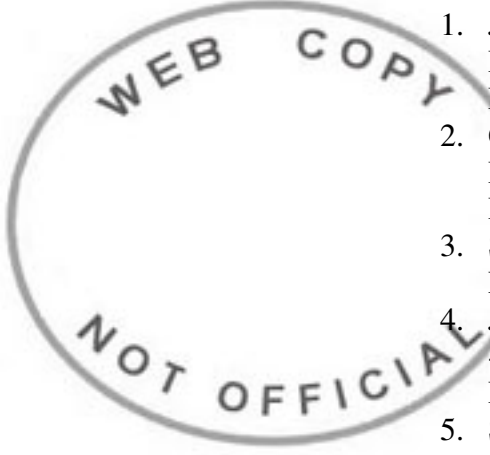


IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11411 of 2013

- =====
1. Jhaksu Rabidas Son Of Late Kabban Rabidas, Resident Of Village - Barhari, Post Office - Badluchak, Police Station - Gauradih, District - Bhagalpur
 2. Ghanshyam Rajak Son Of Late Moti Rajak Resident Of Village - Barhari, Post Office - Badluchak, Police Station - Gauradih, District - Bhagalpur
 3. Sheru Rajak Son Of Late Moti Rajak, Resident Of Village - Barhari, Post Office - Badluchak, Police Station - Gauradih, District - Bhagalpur
 4. Jagdish Rabidas Son Of Late Kameshwar Rabidas, Resident Of Village - Barhari, Post Office - Badluchak, Police Station - Gauradih, District - Bhagalpur
 5. Shildhar Mandal Son Of Late Buddhan Mandal, Resident Of Village - Barhari, Post Office - Badluchak, Police Station - Gauradih, District - Bhagalpur
 6. Gautam Mandal Son Of Shri Jagdish Mandal, Resident Of Village - Barhari, Post Office - Badluchak, Police Station - Gauradih, District - Bhagalpur
 7. Manoj Tanti Son Of Late Ramdhan Tanti, Resident Of Village - Barhari, Post Office - Badluchak, Police Station - Gauradih, District - Bhagalpur
 8. Janakdhari Tanti Son Of Shri Etwari Tanti Resident Of Village - Barhari, Post Office - Badluchak, Police Station - Gauradih, District - Bhagalpur
 9. Naresh Mandal Son Of Late Gena Mandal Resident Of Village - Barhari, Post Office - Badluchak, Police Station - Gauradih, District - Bhagalpur
 10. Mahesh Mandal Son Of Late Gena Mandal Resident Of Village - Barhari, Post Office - Badluchak, Police Station - Gauradih, District - Bhagalpur
 11. Battan Mandal Son Of Late Moti Mandal, Resident Of Village - Barhari, Post Office - Badluchak, Police Station - Gauradih, District - Bhagalpur
 12. Bimal Mandal Son Of Shri Phulo Mandal, Resident Of Village - Barhari, Post Office - Badluchak, Police Station - Gauradih, District - Bhagalpur
 13. Brahmdeo Anti Son Of Late Rameshwar Mandal, Resident Of Village - Barhari, Post Office - Badluchak, Police Station - Gauradih, District - Bhagalpur
 14. Kailash Tanti Son Of Late Mithu Tanti, Resident Of Village - Barhari, Post Office - Badluchak, Police Station - Gauradih, District - Bhagalpur
 15. Ganesh Mandal Son Of Late Dhorai Mandal, Resident Of Village - Barhari, Post Office - Badluchak, Police Station - Gauradih, District - Bhagalpur
 16. Mangal Tanti Son Of Late Rameshwar Mandal, Resident Of Village - Barhari, Post Office - Badluchak, Police Station - Gauradih, District - Bhagalpur
 17. Bhikhari Tanti Son Of Late Sonu Tanti, Resident Of Village - Barhari, Post Office - Badluchak, Police Station - Gauradih, District - Bhagalpur
 18. Bateshwar Tanti Son Of Sarju Tanti, Resident Of Village - Barhari,



Post Office - Badluchak, Police Station - Gauradih, District - Bhagalpur
19. Anil Tanti Son Of Late Ramdhan Tanti, Resident Of Village - Barhari,
Post Office - Badluchak, Police Station - Gauradih, District - Bhagalpur
20. Devendra Tanti Son Of Shri Bhikhari Tanti, Resident Of Village -
Barhari, Post Office - Badluchak, Police Station - Gauradih, District -
Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Collector, Bhagalpur
3. The Additional Collector, Bhagalpur
4. The Deputy Collector, Land Ceiling, Bhagalpur
5. The Circle Officer, Gauradih Block, District - Bhagalpur
6. Bishwanath Kunwar Son Of Late Chanchal Kunwar, Resident Of Village
- Sonbarsa, P.S. Bihpur, District - Bhagalpur
7. Anandi Kunwar Son Of Late Chanchal Kunwar Resident Of Village -
Sonbarsa, P.S. Bihpur, District - Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Adv.
Mr. S.M. Ashraf, Adv.
Ms. Namrata Singh, Adv.

For the Respondent Nos.1 to 5 : Mr. Rajesh Kr. Sinha, AC to GP-23

For the Respondent Nos. 6 & 7: None.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

9 02-09-2016 Heard the learned counsel appearing on behalf of the
petitioners and the learned AC to G.P. 23, appearing on behalf of
the respondent nos. 1 to 5. However, none appears on behalf of the
private respondents.

The learned counsel appearing on behalf of the
petitioners submits that for redressal of their valid grievances,
which have been enumerated in paragraph-1 of the writ petition,
the petitioners filed their comprehensive representation before the
respondent District Collector, Bhagalpur on 28.1.2013, as
contained in Annexure-7 to the writ petition, but till date neither
their valid grievances have been redressed nor representation filed
on their behalf has been finally disposed of. According to the



learned counsel, appropriate final publication under Section 11(1) as also Gazette notification under Section 15(1) of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (In short 'Land Ceiling Act') are required to be issued by the Collector under the Act, but for the reasons best known to him, the Land Ceiling Case No. 275 of 1976 started against the landholder has not been taken to its logical conclusion, and surplus lands of the landholder are not being distributed either in favour of the earlier settlees or in favour of any other eligible persons.

In view of the nature of grievances/claims raised on behalf of the petitioners in the present proceeding, this Court is of the opinion that the claims raised on behalf of the petitioners involve examination of certain disputed question of facts, which can be appropriately gone into and decided by the respondent District Collector, Bhagalpur, after looking into all the relevant documents/ order-sheet of the original land ceiling case and after giving an opportunity of hearing to all concerned including the petitioners as also the landholders.

In above view of the matter, the petitioners are granted liberty to file a fresh comprehensive representation with all supporting documents in support of their claims before the respondent District Collector, Bhagalpur accompanied by a certified copy of the present order within a period of two months from today, whereafter the respondent District Collector, Bhagalpur shall proceed to decide their claims strictly in accordance with law, by a reasoned and speaking order, but before passing any final order, reasonable opportunity of hearing must be given to all concerned including the petitioners as also the

landholder(s) including the private respondents herein, and in case of their death, their heirs and legal representatives, besides others, if any, at an early date preferably within a period of six months from the date of filing of aforesaid representations by the petitioners.

This is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioners in the present writ petition with respect to the lands in question and it is left to be decided by respondent District Collector, Bhagalpur, 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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