

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14804 of 2014

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Rakimuddin, son of Late Sk. Sahmat Ali, resident of village - Dehti, P.S. - Palasi, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Purnea.
 2. The Collector-cum-District Magistrate, Purnea.
 3. Deputy Collector Incharge, Legal Section, Purnia.
 4. Anchal Adhikari, Srinagar Anchal District - Purnia.
 5. Mehi Rishidev, son of Janku Rishidev
 6. Kusumlal Rishidev, son of Lahsan Rishidev.
- No. 5 and 6 are residents of village - Sant Nagar, Chanka, P.S. K. Nagar, Champanganagar, O.P. Anchal Srinagar, Distt - Purnia.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uday Bhanu Roy, Adv.
Mr. Sunil Kumar, Adv.

For the Respondent nos.1to4 : Mr. Avnish Nandan Sinha, GP-21

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-09-2016 Heard the learned counsel appearing on behalf of the petitioner and the learned State counsel appearing on behalf of the respondent nos.1 to 4.

The grievance of the petitioner in the present writ petition is that Misc. Ceiling Case No.306 of 1992, filed on behalf of the petitioner under Section 45B of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 in the light of the order/direction dated 29.06.1993 (Annexure-1) passed in CWJC No.9808 of 1992 by a Division Bench of this Court, has not been disposed of till date and in the meantime red cards have been issued in favour of the private respondent nos.5 and 6.

Though, this writ petition was filed on 27.08.2014 after service of its two copies upon the learned Advocate General,



Bihar, Patna, whereafter the brief was endorsed to Mr. Avnish Nandan Sinha, the then G.P.-11, who is presently GP-21, for appearing on behalf of the official respondent nos.1 to 4, but, despite passage of more than two years, he has taken no pains for filing counter affidavit on behalf of the aforesaid official respondents. When, this matter has been taken up for consideration today, he simply prays for an adjournment of four weeks as per the instruction of the District Collector, Purnea. The approach of the learned State counsel is not appreciated by this Court. This matter is coming on the Board for last several weeks and by now, counter affidavit ought to have been filed by the official respondents, which has not been done till date.

However, in view of the admitted position that Misc. Ceiling Case No.306 of 1992 is still pending before the District Collector, Purnea, the present writ petition is disposed of with a direction to the respondent District Collector, Purnea to dispose of the aforesaid Misc. Ceiling Case No.306 of 1992 within a maximum period of four months from the date of receipt/production of a copy of this order, but, before passing any final order, an opportunity of hearing must be given to all concerned including the petitioner, the private respondent nos.5 and 6 as also the original land holder or his/her heirs and legal representatives.

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

The writ petition stands finally disposed of with the

observations and directions made above.

The learned GP-21, Mr.Avnish Nandan Sinha, shall communicate this order to the District Collector, Purnea forthwith.

The petitioner shall also appear before the respondent District Collector, Purnea within a period of one month from today with a certified copy of the present order, otherwise the respondent District Collector, Purnea shall be at liberty to dispose of the matter in accordance with law without waiting for appearance of the petitioner. No separate notice is required to be issued to the petitioner for his appearance in the aforesaid Misc. Ceiling Case No.306 of 1992.

(Birendra Prasad Verma, J)

Arvind/-

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