

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18462 of 2014

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Shyam Babu Prasad, Son of Late Jokhan Manjhi, Resident of Village -
Mobarakpur, P.S. - Marhaurah, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reform Deptt. Bihar, Patna.
2. The Additional Member, Board of Revenue, Bihar, Patna.
3. The Additional Collector, Saran at Chhapra.
4. The Deputy Collector, Land Ceiling, Madhepura, District- Saran.
5. Chaniya Devi, Wife of Bidya Singh, Resident of Village - Mobarakpur, Police Station - Marhaurah, District- Saran.
6. Jai Ram Prasad, Son of Jagarnath Prasad, Resident of Village - Mobarakpur, Police Station - Marhaurah, District - Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Adv.
For the Respondent nos.1to4 : Mr. Subodh Kumar, AC to SC-26

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 28-10-2016 Heard the learned counsel for the petitioner and the learned State counsel appearing on behalf of the respondent nos.1 to 4.

The only grievance of the petitioner in the present writ petition, filed under Article 226 of the Constitution of India, is that his claim of preemption with respect to the vended plot was allowed by the respondent D.C.L.R. Marhaurah way back by an order dated 03.06.2002 and thereafter the aforesaid order has been affirmed by the appellate authority, revisional authority as also by this Court, yet sale deed is not being executed in his favour by the respondent D.C.L.R., Marhaurah.

In view of the nature of the grievances/claims raised on behalf of the petitioner, this Court is of the opinion that, instead of keeping the matter pending any longer and asking the

respondents to file their counter affidavits, the interest of justice shall be sub-served, if the petitioner is granted liberty to file an appropriate petition before the respondent D.C.L.R., Marhaurah under the provisions of The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short 'Act') for execution/implementation of the orders passed by the authorities concerned. It is ordered accordingly.

If an appropriate petition is filed on behalf of the petitioner in the prescribed format before the respondent D.C.L.R., Marhaurah within a period of one month from today with a certified copy of the present order disclosing all the facts regarding preemption case up to this Court, then the respondent D.C.L.R., Marhaurah shall be obliged to initiate a proceeding for grant of an appropriate relief to the petitioner with respect to the lands in question and that proceeding shall be taken to its logical conclusion in accordance with the provisions of the Act, but, before passing any final order, reasonable opportunity of hearing must be given to the petitioner as also the respondent nos.5 and 6, besides others, if any, at an early date, preferably within a period of three months from the date of filing of such petition by the petitioner.

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

Arvind/-

(Birendra Prasad Verma, J)

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