

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6183 of 2016

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Jiwachh Lal Paswan son of Late Nand Kishore Paswan @ Nandkeshwar Paswan, resident of village- Bhuri (Paswan Tola), P.S.- K. Nagar, District- Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Purnea
3. The Dy. Collector, Land Reforms, Sadar Purnea, District- Purnea
4. The Circle officer, K. Nagar, District- Purnea
5. Shubhankar Mishra S/o Late Bhimdutt Mishra
6. Pankaj Kumar Thakur son of Shri Navin Kumar Thakur, 5 and 6 are resident of village- Bhuri, P.O. Saharsa, P.S.- K. Nagar, District- Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Adv.

For the Respondent Nos.1 to 4 : Mr.Subodh Kumar, AC to SC-26

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 22-11-2016 Heard the learned counsel appearing on behalf of the petitioner and the learned AC to SC-26, appearing on behalf of the respondent nos. 1 to 4.

The only grievance of the petitioner in the present writ petition is that though, he along with three others, filed an application under Section 48E of the B.T. Act before the respondent D.C.L.R., Sadar, Purnea, giving rise to Bataidari Case No. 11 of 2012-13, but that proceeding is not being taken to its logical conclusion and the matter is still pending before the respondent D.C.L.R., Sadar, Purnea.

Though, this writ petition was filed on 4.4.2016, after service of its two copies upon the learned Advocate General, Bihar, Patna, for appearing on behalf of the respondent nos. 1 to 4, but till date no counter-affidavit has been filed on their behalf.

In view of the nature of grievances/ claims raised on behalf of the petitioner in the present writ petition, this Court is of

the opinion that no useful purpose shall be served by keeping the present matter pending any longer asking the respondents to file their counter-affidavit, rather the interest of justice shall be subserved if a direction is issued to the respondent D.C.L.R., Sadar, Purnea to dispose of the aforesaid Bataidari case strictly in accordance with law at an early date, if not already disposed of during the pendency of the present writ petition, within a maximum period of six months from the date of receipt/production of a copy of the present order. It is ordered accordingly.

It is clarified that before passing any final order in the aforesaid Bataidari case, an opportunity of hearing must be given to all concerned including the petitioner as also the respondent nos. 5 and 6, besides others, if any.

It is further 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 this is left to be decided by the competent authority strictly in accordance with law.

In order to expedite the matter, the petitioner is directed to appear before the respondent D.C.L.R., Sadar, Purnea with a certified copy of the present order within a period of one month from today, whereafter the respondent D.C.L.R., Sadar, Purnea shall take all steps for disposal of the aforesaid Bataidari case within the time stipulated above.

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

(Birendra Prasad Verma, J)

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