

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24973 of 2013

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Yog Narayan Jha, Son Of Sri Subh Narayan Jha, Resident Of Village : -
Koilakh, Police Station - Raj Nagar District : - Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Madhubani
3. The Additional Collector, Madhubani
4. The Sub-Divisional Officer, Jhanjharpur, District - Madhubani
5. The Deputy Collector, Land Reforms, Madhubani
6. The Circle Officer, Jhanjharpur, Police Station - Jhanjharpur, District - Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhas Ranjan, Adv.

For the Respondent/s : Mr. Vijay Bharti, AC to SC-26

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 12-01-2016

Heard the parties.

By the impugned order/communication dated 27.08.2013 (Annexure-9) issued by the respondent Additional Collector, Madhubani a direction has been issued to the D.C.L.R., Jhanjharpur for initiating a proceeding under Section 4(h) of The Bihar Land Reforms Act, 1950 (in short 'Act, 1950') with respect to the lands for which Jamabandi has been created in favour of the present petitioner.

Though, the learned counsel appearing on behalf of the petitioner has argued the matter at some length, but he has not been able to show that any proceeding under Section 4(h) against the lands in question was ever initiated and concluded. He has also not been able to show that direction issued by the Additional Collector for initiating a proceeding under Section 4(h) of the Act, 1950 is hit by the law of limitation and/or is in violation of any

provisions of the Act, 1950.

Evidently, on the basis of the impugned direction, if a proceeding under Section 4(h) of the Act, 1950 is initiated, then the petitioner will have full opportunity to agitate all the points before the Collector under the Act, 1950 with respect to the lands claimed by him.

The present writ petition, at this stage, is completely misconceived and is, accordingly, dismissed.

However, it is clarified that, if a proceeding under Section 4(h) of the Act, 1950 is initiated with respect to the lands in question, then the petitioner must be given an opportunity of hearing and he shall be at liberty to raise all the issues of facts and law, which may be available to him, with respect to the lands claimed by him. If any such pleas are taken by the petitioner, then the respondent D.C.L.R. shall be obliged to consider such pleas and shall dispose of the aforesaid proceeding by a reasoned and speaking order strictly in accordance with law.

(Birendra Prasad Verma, J)

Arvind/-

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