

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24989 of 2013

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Fatma Khatoon, wife of Dr.Md.Mashimzzama, resident of village-Mama,
Mukundpur (Pathan Tota), P.O.+P.S.-Mahua, District-Vaishali.

.... Petitioner/s

Versus

The State of Bihar through the Collector, District-Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.

For the Respondent/s : Mr. Biresh Kumar Sinha, AC to AAG-2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 12-01-2016

Heard the parties.

The only grievance of the petitioner in the present writ petition filed under Article 226 of the Constitution of India is that she filed Appeal No.15 of 2010-11 before the respondent District Collector, Vaishali under the provisions of The Bihar Privileged Persons Homestead Tenancy Act, 1947 against the order passed by the Anchal Adhikari, Mahua issuing homestead parcha in favour of one Abdul Gafur, who has not been impleaded as party respondent in the present proceeding, but that appeal has not been disposed of till date despite passage of more than three years.

The learned counsel appearing on behalf of the petitioner submits that a direction may be issued to the District Collector, Vaishali at Hajipur to dispose of the aforesaid appeal within a reasonable period of time.

Though the present writ petition was filed way back on 16.12.2013, but counter affidavit has not been filed on behalf of the respondent. However, the learned State counsel appearing on behalf of the respondent, on oral instructions, submits that the next date fixed in the aforesaid appeal is 23.01.2016. According to

him, if the petitioner appears and co-operates, then the aforesaid appeal can be disposed of at an early date and most probably within a period of three months from today.

In view of the aforesaid fair stand taken by the learned State counsel, the present writ petition is disposed of with a direction to the respondent District Collector, Vaishali at Hajipur to dispose of the aforesaid Appeal No.15 of 2010-11 within a period of three months from the date of appearance of the petitioner before him.

In order to expedite the matter, the petitioner is hereby directed to appear before the District Collector in person on the next date fixed i.e. on 23.01.2016 along with her lawyer, whereafter the respondent District Collector shall take up the aforesaid appeal on priority basis and shall make all endeavours to dispose of the same at an early date preferably within a period of three months, but, before passing any final order, an opportunity of hearing must be given to all concerned including the petitioner as also the parcha holder, besides others.

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

(Birendra Prasad Verma, J)

Arvind/-

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