

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13222 of 2013

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Md. Rafiuddin Son Of Late Sadakat Hussain Resident Of Village And P.O.-
Fursatpur, P.S.- Derni, District- Saran

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Saran At Chapra
3. The Deputy Collector Land Reforms, Sonepur, Saran
4. The Circle Officer, Dariyapur, Saran
5. Nasibun Khatoon Wife Of Khurshid Alam Resident Of Village- Fursatpur, P.S.-
Derni, District- Saran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. RADHA KRISHNA SINGH

For the Respondent/s : Mr. RAJIV ROY

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 10-03-2016

Heard both sides.

The petitioner is not directly affected by the action which is alleged to have been taken by the respondent no. 5. A Piece of land is allegedly settled with the respondent no. 5 by the respondent-State being the widow of ex-service man. It is stated that one case being settlement Appeal No. 01 of 2009, is pending for consideration before the respondent-Collector Saran in respect of the subject land. In the meanwhile, respondent no. 5 filed a case before the respondent-Deputy Collector Land Reforms (for short "DCLR) vide land dispute case no. 45 of 2012-13. The Court vide order dated 28.01.2013 (Annexure-3), declined to entertain the application and pass order on the ground that connected matter was pending

before the Collector.

In the meanwhile, a proceeding is also initiated by the Anchal Adhikari in which, as stated, a recommendation has been made by the respondent-Circle Officer on 03.04.2010 for cancellation of jamabandi (settlement) of the land in favour of the respondent no. 5. As the matter before the Collector remained pending. The present application is filed for a direction upon the respondent-Collector to dispose of the pending settlement appeal no. 01 of 2009. Actually, the respondent no. 5 is the aggrieved person as her application before the DCLR was not disposed of on the ground of pendency of a proceeding relating to the subject land before the respondent-Collector.

Be that as it may, if the proceeding is pending before the Collector since 2009, and the same has not been disposed of this Court, while disposing the writ application would direct the respondent-Collector to dispose of the settlement appeal no. 01 of 2009, pending on his file, if not already disposed of in accordance with law, as early as possible, preferably within two months from the date of receipt/production of a copy of this order.

(Kishore Kumar Mandal, J)

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