

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1624 of 2017

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1. Md. Sabir Ali,
2. Md. Sharif Alam, both sons of Late Abdul Jalil, resident of village -
Haripur, P.O. Kanhariya, P.S. Baisi, District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Purnea
3. The Collector, District - Purnea
4. The Addl. Collector, District - Purnea
5. The Deputy Collector, Land Reforms, Baisi, District - Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Respondent/s : Mr. S.C. Yadav- Gp15

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 24-08-2018 Heard both sides.

The petitioners have filed this writ petition for a direction to the respondent-Collector, Purnea to return Rs.1,07,800/- deposited by the petitioners through challan for filing a petition under Section 16(3) of the Bihar Land Reforms(Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961(hereinafter referred to as “the Act”).

Learned counsel for the petitioners submits that the petitioners deposited the amount through challan on 26.05.2014 but later on, the petitioners entered into a compromise with vendor and vendee of the land and the petitioners did not file any petition



under Section 16(3) of the Act. The petitioners filed petition for return of the entire amount deposited by them in the treasury for the purpose of filing the pre-emption case but the Collector did not pass any order compelling the petitioners to file this writ petition.

Learned counsel for the State by filing counter-affidavit submits that the petitioners filed the petition before the Commissioner whereas the petition should have been filed before the Dy. Collector Land Reforms, Baisi for return of the deposited amount.

Having considered the aforesaid facts, I dispose of this writ petition with a direction to the petitioners to submit a petition for refund of the amount deposited by them for filing petition under Section 16(3) of the Act before the Dy. Collector Land Reforms, Baisi who, in turn, shall pass appropriate order within 60 days from the date of receipt of this order.

With the aforesaid direction, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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