

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15465 of 2016

Radhe Sharma Son of Late Jagdeo Sharma, by occupation- cultivation,
resident of Village & P.O. Jhanjhra, Police Station Parbatta (Now Pasraha)
District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector (D.M), Khagaria at P.O, P.S. & District- Khagaria.
3. The D.C.L.R. Gogri, P.O.- Gogri (Jamalpur), P.S. Gogri, District- Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar
For the Respondent/s : Mr. Ajay- Gal2

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-09-2018 Heard Mr. Narayan Singh, the learned counsel

 appearing on behalf of the petitioner and the learned AC to GA5

 appearing on behalf of respondents no.1 to 3.

The petitioner in this writ petition prayed for issuance
of a direction to the D.C.L.R., Gogri (respondent no.3) to return
Rs.19,800/- deposited by the petitioner through Chalan before
filing Pre-emption Case No.6 of 1996.

The learned counsel for the petitioner submits that the
petitioner filed Pre-emption Case No.6 of 1996 in the court of
D.C.L.R., Gogri claiming his right of pre-emption with regard to
the land in the proceeding being co-sharer and adjacent raiyat of
the vendors who sold the land to another person. The petitioner
ultimately lost the pre-emption by this Court vide order passed



in CWJC No.10131 of 2010. Thereafter the petitioner filed petition before the D.C.L.R., Gogri for refund of Rs.19,800/- on 18.09.2016 in the treasury through Chalan for the purpose of filing Pre-emption Case No.6 of 1996 but since then the D.C.L.R., Gogri is sitting tight over the matter. It appears that the D.C.L.R. without any rhyme or reason did not pass any order on the petition of the petitioner for refund of the money for filing Pre-emption Case No.6 of 1996.

In view of the facts aforesaid, the D.C.L.R., Gogri (respondent no.3) is directed to pass order on the petition of the petitioner with regard to refund of money positively within two months from the date of receipt of this order.

Accordingly, this writ petition is allowed with the aforesaid direction.

(Prabhat Kumar Jha, J)

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