

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16028 of 2018

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1. Ranjeet Singh Son of Late Ramcharitra Singh @ Yogeshwar Puri,
resident of Village- Bardih Math, Tola- Hattu Bighha, P.S.- Islampur,
District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Biharsharif at Nalanda.
3. The Deputy Collector Land Reforms, Hilsa (Nalanda).
4. The Circle Officer, Islampur, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Respondent/s : Mr. Sajid Salim Khan -Sc25

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 13-09-2018

Heard both sides.

The petitioner has filed this writ petition for
following reliefs:-

“(i) For issuance of direction upon the respondent authorities particularly respondent No.2, the District Magistrate, Biharsharif to dispose of Rent Fixation Appeal No. 2 of 2017 filed by the petitioner before him on 17.01.2017 which is still pending adjudication.

(ii) For further direction upon the respondent authorities not to take any coercive action against the petitioner due to non-fixation of rent of the land mentioned in petition filed before respondent No.2.

(iii) For any other relief or relief for which the petitioner is found entitled in the facts and circumstances of the case.”

The learned counsel for the petitioner submits that



the land in question was recorded in the name of Gairmazarua Malik Shivottar Mundarj Mahanth Parmeshwar Puri. Mahanth Parmeshwar Puri died leaving behind his sole son Ram Charitra Singh @ Yogeshwar Puri who came in possession over the land. Ram Charitra Singh @ Yogeshwar Puri died leaving behind his five sons, namely, Nand Kishore Singh, Shashi Bhushan Singh, Shiv Kumar Singh, Arun Kumar Singh and Ranjeet Singh and all brothers of Nand Kishore Singh came in possession. Nand Kishore Singh also died. The petitioner filed petition for mutation of his name before the Circle Officer vide case No. 647/15-16 but the same was rejected. Thereafter, the petitioner filed petition for assessment of rent before the DCLR as the petitioner was advised that since the land was Belagan, therefore, the petition be filed before the competent authority for fixation of rent but the DCLR dismissed the petition holding that the power is vested in the Collector for fixation of rent. The petitioner filed appeal before the Collector being Rent Fixation Appeal No. 2 of 2017 but the same is still pending.

The learned counsel for the petitioner prayed that let a direction be given to the Collector to dispose of Rent Fixation Appeal No. 2 of 2017 within appropriate time.

The learned counsel for the State submits that such



direction can be issued since the Rent Fixation Appeal No. 2 of 2017 is pending before the Collector.

Having considered the submission of both sides and the fact that appeal of the petitioner for fixation of rent is pending for last one and half years, the Collector, Nalanda at Biharsharif is directed to dispose of the Rent Fixation Appeal No. 2 of 2017 within a reasonable time, preferably, within four months from the date of receipt of this order.

With this direction, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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