

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19631 of 2016

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Saroj Kumar, s/o late Navin Thakur, resident of village and P.O.- Baisa, P.S.- Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
 2. The District Magistrate, Khagaria.
 3. The Deputy Collector Land Reforms, Gogri, District- Khagaria.
 4. The Sub-Divisional Officer, Gogri, District- Khagaria.
 5. Kalri Devi, wife of late Kamleshwari Mandal,
 6. Hare Ram Mandal, son of late Kamleshwari Mandal,
 7. Ambika Mandal S/o Bishundeo Mandal,
- All at Sl. Nos. 5 to 7 are resident of Village- Navtolia, P.S.- Pasraha, Anchal- Parbatta, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amrendra Kumar, Advocate.
For the Respondent/s	:	Mr. Rakesh Kumar Shrivastava,
		A.C. to G.P. 15

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 28-05-2019

The writ petition has been filed by the petitioner for issuing direction to respondent No. 2 to consider Bataidari Appeal No. 16/2014-15 (Saroj Kumar Vs. Kalari Devi) which is pending before him since 24.3.2015 and pass necessary orders in accordance with law after hearing all necessary parties.

Heard Mr. Amrendra Kumar, learned counsel for the petitioner and Mr. Rakesh Kumar Shrivstava, A.C. to G.P.15 appearing on behalf of the State.



Counsel for the petitioner submits that in pursuance of the order dated 16.2.2015 passed by this Hon'ble Court in CWJC No.2798 of 2015, he has filed statutory Bataidari Appeal No. 16/2014-15 under Section 48D of the B.T. Act on 24.3.2015 which is still pending before the District Magistrate Khagaria (Respondent No. 2). The petitioner has made efforts to get it heard on many dates but matter has not been decided till date.

Prayer has been made by the petitioner to give necessary direction to Respondent No. 2 to pass final order in the aforesaid Bataidari Appeal within fixed period.

Counsel for the State has appeared and submitted that he has no knowledge about present stage of Bataidari Appeal.

This writ application is accordingly disposed off with direction to District Magistrate, Khagaria (Respondent No. 2) to dispose of the Bataidari Appeal No. 16/2014-15 filed by the petitioner on 24.3.2015 under Section 48D of the B.T. Act, if not disposed off till date, within a period of two months from the date of receipt/production of copy of this order.

The learned Collector will pass speaking order in accordance with law after giving proper opportunity of hearing to both parties and also looking into all the relevant documents produced by both parties.



Petitioner will be at liberty to move this Court for appropriate action in accordance with law, against Respondent No. 2, in the event the Bataidari Appeal is not decided within the period as directed by this Court.

The writ petition is accordingly disposed off with direction and observation made above.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	29/05/2019
Transmission Date	N.A.

